Chapter NR 407

OPERATION PERMITS

Note: Corrections to ch. NR 407 made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1996, No. 492.

NR 407.01 Applicability; purpose. (1) APPLICABILITY. This chapter applies to all direct stationary sources which are required under s. 285.60, Stats., to obtain an operation permit. In accordance with s. 285.60 (6), Stats., sources of certain sizes and types are exempt under s. NR 407.03 from the requirement to obtain an operation permit.

Note: Operation permit application requirements for indirect sources are contained in ch. NR 411.

(2) PURPOSE. This chapter is adopted under ss. 285.11 (1), (5), (6) and (16), 285.17, 285.60, 285.62, 285.65 (13) and 285.67, Stats., to establish a schedule of dates for the submission of operation permit applications and a schedule of dates for requiring operation permits for various categories of direct stationary sources and to specify the content of operation permit applications and operation permits. This chapter also sets forth procedures for revising, suspending and revoking operation permits.

History: Cr. Register, December, 1984, No. 348, eff. 1−1−85; am. (1), Register, May, 1992, No. 437, eff. 6−1−92; am. Register, December, 1993, No. 456, eff. 1−1−94; am. (1), Register, June, 1995, No. 474, eff. 7−1−95; am. (2), Register, December, 1997, No. 504, eff. 1−1−98.

NR 407.02 Definitions. The definitions contained in chs. NR 400 and 406 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(1) "Affected state" means either of the following:

(a) Any state that is within 50 miles of the stationary source obtaining an operation permit or undergoing revision or renewal of its operation permit.

(b) Michigan, Illinois, Iowa or Minnesota if that state's air quality may be affected by the stationary source obtaining an operation permit or undergoing revision or renewal of its operation permit.

(2) "Emissions allowable under the permit" means an enforceable permit term or condition required by an applicable requirement that establishes an emission limit, including a work practice standard, or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

(3) "Facility" means all stationary sources emitting air contaminants which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control. Emissions resulting from loading, unloading or stockpiling materials to or from vessels or vehicles while at a facility shall be considered as part of the facility's emissions. Air contaminant sources, other than transportation related activities, shall be considered as part of the same industrial grouping if they are classified under the same 2−digit major group as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05 (1).

(3e) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(3m) "Individual operation permit" means an operation permit which is not a general operation permit issued under s. NR 407.10 or a registration operation permit issued under s. NR 407.105.

(4) "Major source" means any stationary source, or any group of stationary sources, that is located on one or more contiguous or adjacent properties, is under common control of the same person or persons under common control, belongs to a single major industrial grouping and that is described in par. (a), (b) or (c). For the purposes of defining "major source", a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at the source or group of sources have the same 2−digit code as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05.

(a) A stationary source that, for pollutants other than radionuclides, emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any single hazardous air pollutant listed under section 112 (b) of the Act (42 USC 7412 (b)), 25 tpy or more of any combination of those hazardous air pollutants, or a lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station may not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources.

(b) A stationary source that directly emits, or has the potential to emit, 100 tpy or more of any air contaminant subject to regulation under the Act other than particulate matter. For particulate matter, a stationary source is a major source if it emits, or has the potential to emit, 100 tpy of PM_{10}. The fugitive emissions of a stationary source may not be considered in determining whether it is a major source for the purposes of this definition, unless the source belongs to one of the following categories of stationary sources:

1. Coal cleaning plants with thermal dryers.
2. Kraft pulp mills.
3. Portland cement plants.
4. Primary zinc smelters.
5. Iron and steel mills.
6. Primary aluminum ore reduction plants.
7. Primary copper smelters.
8. Municipal incinerators capable of charging more than 250 tons of refuse per day.

9. Hydrofluoric, sulfuric or nitric acid plants.

10. Petroleum refineries.

11. Lime plants.

12. Phosphate rock processing plants.

13. Coke oven batteries.

14. Sulfur recovery plants.

15. Carbon black plants, furnace process.

16. Primary lead smelters.

17. Fuel conversion plants.

18. Sintering plants.

19. Secondary metal production plants.

20. Chemical process plants. The chemical processing plants category does not include ethanol production facilities that produce ethanol by natural fermentation, as described by the 6−digit code of 312140 or 325193 in the North American Industry Classification System United States, 2007, incorporated by reference in s. NR 484.05 (17).

21. Fossil−fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input.

22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

23. Taconite ore processing plants.

24. Glass fiber processing plants.

25. Charcoal production plants.

26. Fossil−fuel−fired steam electric plants of more than 250 million British thermal units per hour heat input.

27. All other stationary source categories regulated on or after August 7, 1980, by a standard promulgated under section 111 or 112 of the Act (42 USC 7411 or 7412).

(c) A major stationary source as defined in part D of title I of the Act (42 USC 7501 to 7515), which is defined as:

1. For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "rural transport", "marginal" or "moderate", 50 tpy or more in areas classified as "serious", 25 tpy or more in areas classified as "severe", and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25 and 10 tpy of nitrogen oxides do not apply with respect to any source for which the administrator has made a finding, under section 182 (f) (1) or (2) of the Act (42 USC 7511a (f) (1) or (2)), that requirements under section 182 (f) of the Act (42 USC 7511a (f)) do not apply.

2. For ozone transport regions established pursuant to section 184 of the Act (42 USC 7511c), sources with the potential to emit 50 tpy or more of volatile organic compounds.

3. For carbon monoxide nonattainment areas that are classified as "serious", and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.

4. For particulate matter (PM_{10}) nonattainment areas classified as"serious", sources with the potential to emit 70 tpy or more of PM_{10}.

(5) "Non−part 70 source" means any stationary source required to obtain an operation permit that is not a part 70 source.

(6) (a) "Part 70 source" means any of the following stationary sources, except as provided in par. (b):

1. Any major source.

2. Any source subject to a standard, limitation or other requirement under section 111 of the Act (42 USC 7411).

3. Any source subject to a standard or other requirement under section 112 of the Act (42 USC 7412), except for a source subject solely to regulations or requirements under section 112(d)(5) or (r) of the Act (42 USC 7412 (d)(5)or (r)).

4. Any affected source.

(b) Notwithstanding par. (a), all sources listed in par. (a) 2. or 3. are not part 70 sources unless they are one of the following:

1. Major sources.

2. Affected sources.

3. Solid waste incineration units required to obtain permits pursuant to section 129 (e) of the Act (42 USC 7429 (e)).

(6m) "Regulated asbestos−containing material" has the meaning given in s. NR 447.02 (33).

(7) "Renewal" means the process by which an operation permit is reissued at the end of its term.

(8) "State−only requirement" means a requirement designated under s. NR 407.09 (3) (b) as not being federally enforceable.

(8m) "Subject to regulation under the Act" has the meaning given in s. NR 405.02 (28m).

(9) "Synthetic minor source" means any stationary source that has its potential to emit limited by federally−enforceable permit conditions so that it is not a major source.

History: Cr. Register, December, 1984, No. 348, eff. 1−1−85; renum. (1) to be (intro.), cr. (1), Register, September, 1986, No. 369, eff. 10−1−86; r. and recr. Register, December, 1993, No. 456, eff. 1−1−94; am. (17) (intro.), Register, February, 1995, No. 470, eff. 3−1−95; renum. (1), (2), (4) to be NR 400.02 (1), (1c), (1v), and (5) to (12), (14), (15), (18), (19), (21), (23) to (30), (33), (34) to be NR 409.02 (10), (11), (15), (19), (22), (26), (28), (29), (37), (38), (47), (48), (50), (55), (56), (64), (66), (69) to (72), (78), (79) and am. (72), (78), (79), Register, April, 1995, No. 472, eff. 5−1−95; am. (22) (b), Register, June, 1995, No. 474, eff. 7−1−95; renum. (3), (13), (16), (17), (20), (22), (31), (32), (35) to be (1) to (9) and am. (4) (c) 1. and (6) (b) (intro.), Register, December, 1996, No. 492, eff. 1−1−97; cr. (6) (b) 5. and 6., Register, March, 1997, No. 495, eff. 4−1−97; cr. (6) (b) 7., Register, September, 1997, No. 501, eff. 10−1−97; am. (4) (b) (intro.), Register, December, 1997, No. 504, eff. 1−1−98; am. (4) (a), Register, October, 1999, No. 526, eff. 11−1−99; CR 04−107: r. and recr. (3), cr. (3m) Register August 2005 No. 596, eff. 9−1−05; CR 07−040: cr. (3e), am. (4) (b) 27., r. (6) (b) 4. to 7. Register April 2008 No. 628, eff. 5−1−08; CR 07−104: am. (4) (b) 20. Register July 2008 No. 631, eff. 8−1−08; CR 09−020: am. (4) (a), (b) 27., (c) (intro.), 1., 2. and (6) (a) 2., 3., and (b) 3., cr. (6m) Register January 2010 No. 649, eff. 2−1−10; **EmR1046: emerg. am. (4) (b) (intro.), cr. (8m), eff. 12−15−10; CR 10−144: am. (4) (b) (intro.), cr. (8m) Register August 2011 No. 668, eff. 9−1−11.**

NR 407.025 Permit flexibility. (1) (a) The owner or operator of a stationary source that has an operation permit, or for which a timely and complete application has been submitted, may make a change to the stationary source that contravenes an express term of an operation permit without first obtaining a permit revision if all the following apply:

1. The change does not violate applicable requirements or contravene permit terms and conditions that are monitoring, including use of specified test methods, recordkeeping, reporting or compliance certification requirements.

2. The change is not a modification as defined in s. 285.01 (26), Stats., and rules promulgated thereunder.

3. The change does not cause the stationary source to exceed the emissions allowable under the permit, whether expressed in the permit as an emissions rate or in terms of total emissions.

4. Notice is given and the department does not inform the owner or operator of the stationary source that the change is not authorized, as provided in par. (b).

(b) 1. For each change allowed under par. (a), the owner or operator of the stationary source shall provide the department and, for part 70 sources, the administrator, with written notification of the proposed change a minimum of 21 days in advance of the date on which the proposed change is to occur. The written notification shall include a brief description of the change within the stationary source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

2. The owner or operator of the stationary source may not make the proposed change if the department informs the person before the end of the 21− day period provided in subd. 1. that the proposed change is not one authorized under this subsection.

(c) The owner or operator of the stationary source, the department and the EPA, if applicable, shall attach each notification of

a change made under this subsection to their copy of the relevant operation permit.

(d) The permit shield described in s. 285.62 (10) (b), Stats., may not apply to any change made pursuant to this subsection.

(2) (a) The department shall, if an owner or operator of a stationary source requests it, issue an operation permit that contains terms and conditions, including all terms required under s. NR 407.09 (1), (2) and (4), allowing for the trading of emissions increases and decreases at the stationary source solely for the purpose of complying with a federally−enforceable emissions cap that is established in the operation permit independent of otherwise applicable requirements. The permit applicant shall include in the application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The department may not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. Any operation permit issued pursuant to this subsection shall require compliance with all applicable requirements.

(b) For any trade allowed in an operation permit pursuant to par. (a), the owner or operator of the stationary source shall provide the department and, for part 70 sources, the administrator, with written notification a minimum of 7 days in advance of the date on which the proposed trade is to occur. The written notification shall state when the change is proposed to occur and shall describe the changes in emissions that will result and how these changes in emissions will comply with the terms and conditions of the permit.

(c) The permit shield described in s. 285.62 (10) (b), Stats., may extend to terms and conditions that allow the increases and decreases in emissions allowed under this subsection.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; am. (1) (a) (intro.), 3., (b) 1., 2., (c), (2) (a) and (b), Register, December, 1997, No. 504, eff. 1−1−98; corrections in (1) (d) and (2) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1999, No. 526.

NR 407.03 Exemptions from operation permit requirements. (1) SPECIFIC CATEGORIES OF EXEMPT SOURCES. Any direct stationary source which is not an affected source and consists solely of one of the following categories of stationary sources is exempt from the requirement to obtain an operation permit provided the requirements of sub. (4) are met:

(a) External combustion furnaces which do not burn any hazardous waste identified under ch. NR 661, or which have been issued a license under ch. NR 670, and which are designed at combined total capacity to burn the following fuels at the maximum rates indicated:

1. Coal, coke or other solid fuels, except wood, at a heat input rate of not more than 1.0 million Btu per hour.

2. Wood alone or wood in combination with gaseous or liquid fuels at a heat input rate of not more than 5.0 million Btu per hour.

3. Residual or crude oil at a heat input rate of not more than 5.0 million Btu per hour.

4. Distillate oil at a heat input rate of not more than 10 million Btu per hour.

5. Gaseous fuel at a heat input rate of not more than 25 million Btu per hour.

(b) Equipment designed to incinerate solid wastes, which are not pathological wastes, infectious wastes, municipal wastes or hazardous wastes under ch. NR 661, at a rate of not more than 500 pounds per hour.

(ce) Grain storage facilities, including facilities with column dryers or rack dryers, with an average tonnage of grain received of less than 5500 tons per month, which are not subject to s. NR 440.47, and which are not part 70 sources. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility sells, acting as a broker, which is never actually received or dried at the grain storage facility.

(cm) Grain processing facilities, including facilities with column dryers or rack dryers, with an average tonnage of grain received of less than 4500 tons per month, which are not subject to s. NR 440.47, and which are not part 70 sources. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility receives that is packaged when received and remains packaged.

(d) Portland concrete batch plants which produce less than 20,000 cubic yards of concrete per month averaged over any 12 consecutive month period.

(e) Storage tanks containing organic compounds with a true vapor pressure in pounds per square inch absolute at 70°F of less than 1.52 with a combined total tankage capacity of not more than 40,000 gallons.

(f) VOC storage tanks with a combined total tankage capacity of not more than 10,000 gallons of volatile organic compounds.

(g) Painting or coating operations, including associated quality assurance laboratories and cleaning operations, which emit or will emit not more than 1,666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112 (b) of the Act (42 USC 7412 (b)) equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112 (b) of the Act equal or exceed 25 tons per year.

(gm) Automobile refinishing operations, including associated quality assurance laboratories and cleaning operations, which emit or will emit not more than 1,666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112(b) of the Act (42 USC 7412(b)) equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112(b) of the Act equal or exceed 25 tons per year.

(h) Graphic arts operations, including associated quality assurance laboratories and cleaning operations, which emit or will emit not more than 1,666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112 (b) of the Act equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112 (b) of the Act equal or exceed 25 tons per year.

(i) Cold cleaning equipment which meets both of the following requirements:

1. The equipment has a total air to solvent interface of 1.0 square meters or less during operation.

2. The equipment does not use any halogenated HAP solvent as a cleaning or drying agent.

(j) Open top vapor degreasing equipment which meets both of the following requirements:

1. The equipment has a total air to vapor interface of 1.0 square meters or less during operation.

2. The equipment does not use any halogenated HAP solvent as a cleaning or drying agent.

(k) Coin−operated dry cleaning machines.

(km) Chromium electroplating and chromium anodizing operations which are not major sources or located at major sources and which are any of the following:

1. Any decorative chromium electroplating operation or chromium anodizing operation that uses fume suppressants as an emission reduction technology.

2. Any decorative chromium electroplating operation that uses a trivalent chromium bath that incorporates a wetting agent as a bath ingredient.

(L) Private alcohol fuel production systems as defined in s. 289.44 (1) (c), Stats.

(m) Crematories.

(n) Indirect malt dryers which are designed to burn fuels specified in par. (a) at a heat input rate less than the rates specified in par. (a).

(o) A laboratory which emits volatile organic compounds, sulfur dioxide, carbon monoxide, nitrogen oxides or particulate matter or a combination thereof at a rate of less than 5.7 pounds per hour unless the emissions of any single hazardous air pollutant listed under section 112 (b) of the Act (42 USC 7412 (b)) equal or exceed 10 tons per year or the cumulative emissions of all such hazardous air pollutants listed under section 112 (b) of the Act equal or exceed 25 tons per year. Hourly emissions shall be determined, based on the quantitative estimate of air contaminants before they enter any emission control devices, by dividing the total uncontrolled emissions which would have occurred during a calendar month by the total hours of operation of the laboratory during that calendar month. A laboratory is in operation if laboratory apparatus or equipment is in use.

(p) Equipment the primary purpose of which is to transport or sort paper.

(q) Facilities for chlorination of municipal drinking water, the intake of once through industrial process or cooling water, or water for swimming pools, spas or other recreational establishments.

(r) Gasoline dispensing facilities which dispense gasoline or other petroleum products.

(s) Bulk gasoline plants which distribute gasoline or other petroleum products and which have an average daily gasoline throughput of less than 15,000 liters (4,000 gallons), based on a 30−day rolling average.

(sm) The following procedures for the remediation or disposal of soil or water contaminated with organic compounds, provided the potential to emit, considering emission control devices, for any hazardous air contaminant listed in Table A to Table C of s. NR 445.07 is not greater than the emission rate listed in Table A to Table C of s. NR 445.07 for the air contaminant at the respective stack height, the procedure is not a major source and the procedure is not subject to any standard or regulation under section 111 or 112 of the Act (42 USC 7411 or 7412):

1. Landspreading of contaminated soil, including the agricultural landspreading of soil contaminated with pesticide or fertilizer.

2. Negative pressure venting of contaminated soil or bioremediation, provided the remediation is completed within 18 months or the potential to emit organic compounds from the remediation site is at a rate of not more than 5.7 pounds per hour, considering emission control devices.

3. Pilot testing of a negative pressure venting system provided the testing is limited to a total withdrawal of not more than 150,000 standard cubic feet (scf) of air.

Note: The total withdrawal may be determined by the equation: Total withdrawal (scf) = hours of operation of pilot test (hr) × average flow rate in cubic feet per minute at standard conditions (scfm) × 60 min/hr. An example is: 10 hours of operation × 250 scfm × 60 min/hr = 150,000 scf. When testing at multiple flow rates, determine the withdrawal for each flow rate and sum the withdrawals for a total withdrawal.

4. Landfilling of contaminated soil.

5. Installation and use of devices which remove organic compounds from a private or municipal potable water supply.

6. Installation and use of crop irrigation systems or dewatering wells to remediate contaminated water.

7. Installation and use of air strippers for treatment of contaminated water, provided the remediation is completed within 18 months or the potential to emit organic compounds from the remediation site is at a rate of not more than 5.7 pounds per hour, considering emission control devices.

8. Installation and use of any devices or techniques not listed in this paragraph which are used to remediate soil or water contaminated with organic compounds, if the device or technique is not portable and is not a thermal evaporation unit, and the remediation is completed within 18 months.

9. Installation and use of any technique or device to remediate soil or water contaminated with organic compounds as part of actions taken by EPA under the authority of the comprehensive environmental response compensation and liability act of 1980 (42 USC 9601 to 9675), by the department under the authority of s. 292.11 or 292.31, Stats., or by a responsible party in compliance with the requirements of an administrative order, consent decree or contract issued pursuant to the comprehensive environmental response compensation and liability act of 1980 or s. 292.11 or 292.31, Stats.

(sq) Renovation or demolition operations involving regulated asbestos−containing material.

(t) A combination of emission units which consists of not more than one each of the following specific categories of sources unless the combination of units is a major source:

1. Fuel burning equipment otherwise exempt under par. (a) or (u).

2. Equipment designed to incinerate solid wastes otherwise exempt under par. (b).

3. Storage tanks of organic compounds with a combined total tankage capacity of not more than 40,000 gallons if not more than 10,000 gallons of the storage tanks' capacity is used for storage of volatile organic compounds.

4. Grain storage facilities otherwise exempt under par. (ce).

5. Grain processing facilities otherwise exempt under par. (cm).

6. Only one of the other specific category exemptions listed in pars. (d), (g) to (s) and (v) to (z).

(u) Emergency electric generators powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil with an electric output of less than 3,000 kilowatts.

(v) Any quarry, mine or other facility where nonmetallic minerals are extracted that is not a ledge rock quarry or industrial sand mine.

(w) Ledge rock quarries with actual production of less than 25,000 tons per month on a rolling 12 month average, or with actual operation of less than 365 days per 5 year period.

(x) Industrial sand mines with actual production of less than 2,000 tons per month on a rolling 12 month average.

(y) Fixed sand and gravel plants and fixed crushed stone plants with capacities of 25 tons per hour or less.

(z) Portable sand and gravel plants and portable crushed stone plants with capacities of 150 tons per hour or less.

(1m) FACILITIES EXEMPT BASED ON ACTUAL EMISSIONS. (a) Any facility that is required to submit an annual emission inventory report under s. NR 438.03 is exempt from the requirement to obtain an operation permit following notification under par. (c), where all of the following criteria and requirements are met:

1. The actual emissions of each air contaminant from the facility do not exceed any of the following levels:

a. 10 tons in any calendar year for each of the following air contaminants: particulate matter, nitrogen oxide, sulfur dioxide, PM_{10}, carbon monoxide and volatile organic compounds.

b. 0.5 tons in any calendar year for lead.

c. Any stack−appropriate thresholds for emissions points in columns (c), (d), (e) and (f) of Table A, B or C of ch. NR 445. If

the facility is a source of incidental emissions under s. NR 445.11, this subdivision only applies to emissions of air contaminants which are listed as substances of concern in Table E of ch. NR 445.

2. The facility is not subject to a standard under section 111 or 112 or the Act (42 USC 7411 or 7412) except for a source subject solely to regulations or requirements under section 112(d)(5) or (r) of the Act (42 USC 7412 (d)(5) or (r)).

3. The owner or operator conducts monitoring and maintains records sufficient to demonstrate compliance with the requirements of this paragraph, including the calculation of annual facility−wide emissions. These records shall be maintained on site for at least 5 years, unless a longer period is required by statute or rule.

4. If a control device is used to limit actual emissions, the owner or operator uses a compliance monitoring method which is identified in s. NR 439.055.

(b) Any facility that is not required to submit an annual emission inventory report under s. NR 438.03 is exempt from the requirement to obtain an operation permit where all of the criteria and requirements in par. (a) 1. to 4. are met.

(c) 1. The owner or operator of a facility required to submit an air emission inventory report under s. NR 438.03 shall notify the department of their intent to operate the facility under the exemption criteria in par. (a). A claim of exemption made under s. NR 406.04 (1q) from construction permit requirements shall satisfy this notification requirement.

2. Any existing permit shall remain in effect until the permit is revoked or coverage under a general or registration permit is withdrawn. A notification under subd. 1. shall serve as a request for revocation of an individual permit or withdrawal from coverage under a general or registration permit.

3. A notification under subd. 1. shall serve as a request for withdrawal of any pending permit application.

Note: An owner or operator exempt under this subsection is responsible for complying with all other applicable requirements in chs. NR 400 to 499.

(2) GENERAL CATEGORY OF EXEMPT SOURCES. In addition to the specific categories of exempt sources identified in sub. (1), no operation permit is required for a direct source if the source is not a part 70 source or an affected source and all of the following requirements are met:

(a) The maximum theoretical emissions from the source for sulfur dioxide or carbon monoxide do not exceed 9.0 pounds per hour for each air contaminant.

(b) The maximum theoretical emissions from the source for particulate matter, nitrogen oxides or volatile organic compounds do not exceed 5.7 pounds per hour for each air contaminant.

(be) The maximum theoretical emissions from the source for $PM_{2.5}$ do not exceed 2.2 pounds per hour.

(bm) The maximum theoretical emissions from the source for lead do not exceed 0.13 pounds per hour.

(c) The source will not emit any of the air contaminants listed in s. NR 405.02 (27) (a) at a rate greater than the applicable emission rate listed in s. NR 405.02 (27) (a).

(d) The maximum theoretical emissions from the source for any hazardous air contaminant listed in Table A, B or C of s. NR 445.07 do not exceed the emission rate listed in the table for the hazardous air contaminant for the respective stack height. For the purposes of determining emissions under this paragraph, the owner or operator of a source is not required to consider emissions of hazardous air contaminants associated with agricultural waste prior to July 31, 2011.

Note: On May 24, 2011, the Joint Committee for the Review of Administrative Rules adopted a motion under s. 227.26 (2) (d), Stats., suspending s. NR 407.03 (2) (d) in part. As affected by the suspension, s. NR 407.03 (2) (d) reads:

(d) The maximum theoretical emissions from the source for any hazardous air contaminant listed in Table A, B or C of s. NR 445.07 do not exceed the emission rate listed in the table for the hazardous air contaminant for the respective stack height. For the purposes of determining emissions under this paragraph, the owner or operator of a source is not required to consider emissions of hazardous air contaminants associated with agricultural waste.

Note: Owners and operators of facilities emitting less than 3 tons of volatile organic compounds and 5 tons of particulate matter on an annual basis, or who engage in limited or no manufacturing activities, should refer to s. NR 445.11 prior to determining applicable requirements under this section.

(e) The source will not have maximum theoretical emissions of any single hazardous air pollutant listed under section 112 (b) of the Act (42 USC 7412 (b)) that equal or exceed 10 tons per year or cumulative maximum theoretical emissions of all the hazardous air pollutants listed under section 112 (b) of the Act (42 USC 7412 (b)) that equal or exceed 25 tons per year.

(f) The source is not subject to any standard or regulation under section 111 of the Act (42 USC 7411).

(g) The source is not subject to any standard or regulation under section 112 of the Act (42 USC 7412), excluding section 112(d)(5) or (r) (42 USC 7412(d)(5) or (r)).

(3) EXEMPT EQUIPMENT. Equipment installed under s. NR 406.04 (1) (i) or (zg) is exempt from needing an operation permit under this chapter.

(4) CONDITIONS FOR SPECIFIC EXEMPTIONS. In order to be eligible for a specific exemption under sub. (1) (ce), (cm), (d), (g), (gm), (h), (o), (s), (w) or (x), the owner or operator of a direct stationary source shall keep and maintain the records required under pars. (a) to (f), as applicable. The records shall be kept in a manner that allows the source to accurately calculate the required information on a monthly basis. The owner or operator of a direct stationary source shall begin keeping the records required under pars. (b) to (f) no later than January 1, 1994, and the records required under par. (a) no later than January 1, 1998, or the date that the source commences operation, whichever is later, and maintain them for a minimum of 5 years. After January 1, 1994, any direct stationary source that ever exceeds any level listed in sub. (1) (d), (g), (h), (o), (s), (sm), (w) or (x) is not eligible for the exemption under that subsection. After January 1, 1998, any direct stationary source that ever exceeds any level listed in sub. (1) (ce) or (cm) is not eligible for the exemption under that subsection. After February 1, 2001, any direct stationary source that ever exceeds any level listed in sub. (1) (gm) is not eligible for the exemption under that subsection. The records required are as follows:

(a) To be exempt under sub. (1) (ce) or (cm), records of the tons of grain received at the grain storage or processing facility per month.

(b) To be exempt under sub. (1) (d), records of the cubic yards of concrete produced by the Portland concrete batch plant per month.

(c) To be exempt under sub. (1) (g), (gm) or (h), records of the amounts used and VOC content of all VOC containing materials used at the facility per month.

(d) To be exempt under sub. (1) (o), records of the number of hours that the laboratory operates, the amounts, VOC content and hazardous air contaminant content of all materials used and the amount, type and sulfur content of all fuels used per month.

(e) To be exempt under sub. (1) (s), records of the daily gasoline throughput for the bulk plant.

(f) To be exempt under sub. (1) (w) or (x), records of the tons of material produced at a ledge rock quarry or sand mine per month, or for ledge rock quarries exempt for operating less than 365 days in a 5−year period, records indicating each day that the quarry operates.

Note: Between January 1, 1994 and January 1, 1998, s. NR 407.03 (4) contained recordkeeping requirements which were less specific than those set forth in pars. (b) to (f). Compliance with the recordkeeping requirements in this subsection will be assessed based on the administrative rule in effect at the time.

History: Cr. Register, December, 1984, No. 348, eff. 1−1−85; cr. (2) (bm), r. and recr. (2) (d), am. (2) (e), Register, September, 1988, No. 393; eff. 10−1−88; am. (1) (a) (intro.), 1. to 3., (b), (g), (h), (o), (2) (a), (b), (bm), (c) 1. and 5., (d) and (e), Register, May, 1992, No. 437, eff. 6−1−92; am. (1) (intro.), (a) (intro.) and 5., (b) to (e), (2) (intro.), (a) to (c), cr. (1) (sm), (sq) and (u), (2) (f), (g), (3) to (5), r. (2) (c) 1. to 5., r. and recr. (2) (e), Register, December, 1993, No. 456, eff. 1−1−94; cr. (1) (v) to (z), Register, June, 1994, No. 462, eff. 7−1−94; am. (1) (sm) (intro.), 1. to 3., r. 5., renum. 6. to 10. to be 5. to 9. and am. 7. and 9., Register, September, 1994, No. 465, eff. 10−1−94; am. (2) (d), Register, December, 1994, No. 468, eff. 1−1−95; am. (1) (intro.), (2) (intro.), Register, April, 1995, No. 472, eff. 5−1−95; am. (1) (a) 5., r. and recr. (1) (k), r. (3) and (5), Register, June, 1995, No. 474, eff. 7−1−95; am. (1) (sm)

(intro.), Register, August, 1995, No. 476, eff. 9−1−95; am. (1) (g), (h), (o), (2) (b) and (4), Register, December, 1995, No. 480, eff. 1−1−96; am. (1) (g), (sm) 9., Register, December, 1996, No. 492, eff. 1−1−97; am. (1) (i) and (j), Register, March, 1997, No. 495, eff. 4−1−97; cr. (1) (km), Register, September, 1997, No. 501, eff. 10−1−97; cr. (1) (ce), (cm), (t) 4., 5., (3), (4) (a) to (f); am. (1) (s), (sm) (intro.), (t) (intro.), 1. and (4), renum. (1) (t) 4. to be (1) (t) 6. and am., Register, December, 1997, No. 504, eff. 1−1−98; am. (1) (g), (h), (o), (2) (intro.), (e) and (g), Register, October, 1999, No. 526, eff. 11−1−99; cr. (1) (gm), am. (4) (intro.) and (c), Register, January, 2001, No. 541, eff. 2−1−01; CR 02−097: am (1) (sm) (intro.) and (2) (d) Register June 2004 No. 582, eff. 7−1−04; CR 04−107: r. (1) (c), am. (1) (ce) and (cm) Register August 2005 No. 596, eff. 9−1−05; correction in (1) (t) 6. made under s. 13.93 (2m) (b) 7., Stats., Register August 2005 No. 596; CR 06−047: cr. (1m) Register May 2007 No. 617, eff. 6−1−07; corrections in (1) (a) and (b) made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617; CR 07−076: am. (2) (d) Register July 2008 No. 631, eff. 8−1−08; CR 09−020: am. (1) (g), (gm), (h), (o), (sm) (intro.), (sq), (1m) (a) 2., (2) (e), (f), (g), and (4) (intro.) Register January 2010 No. 649, eff. 2−1−10; CR 10−050: cr. (2) (be) Register November 2010 No. 659, eff. 12−1−10.

NR 407.04 Permit application requirements. The owner or operator of an air contaminant source which is not exempt under s. 285.60 (5), Stats., or s. NR 407.03 shall submit an operation permit application or renewal application, in accordance with s. NR 407.05, by the dates specified in this section:

(1) INITIAL FILING DATES. Except as provided under subs. (3) to (6), the initial operation permit application shall be submitted by one of the following dates:

Note: Application forms may be obtained from the Department Regional Headquarter or Service Center offices or from the Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707−7921, Attention: operation permits.

(a) *Existing sources, initial application.* For initial applications for all existing sources, the date in the appropriate column of Table 1 for part 70 and non−part 70 sources corresponding to the county in which the source is located. Where the location of a source is in 2 or more counties, the date an application is due shall be the latest date listed for any of the counties in which the source is located. Any existing air contaminant source for which an application is submitted requesting that it be made a synthetic minor source is a part 70 source until a permit making that source a synthetic minor source is issued and, except as allowed in sub. (3), is subject to the filing dates listed for part 70 sources. If a source submits an application on or before the date specified in Table 1 and the department determines that the application is incomplete, the source shall have 30 days from the date that the department notifies the source of the incompleteness determination to complete the application.

(b) *New and modified sources.* 1. In accordance with s. 285.62 (11) (b) 2., Stats., for new or modified sources for which a construction permit is required and which apply for a construction permit after November 15, 1992, the date that the application for the construction permit is filed.

2. For new or modified sources for which a construction permit is required and which applied for a construction permit before November 15, 1992, a date at least 120 days prior to the expiration date of the construction permit.

3. For new or modified sources for which no construction permit is required, a date before the source commences construction or modification.

(2) PERMIT RENEWAL. Pursuant to s. 285.66 (3), Stats., a permittee shall apply for renewal of an operation permit at least 6 months before the permit expires. No permittee may continue operation of a source after the operation permit expires, unless the permittee submits a timely and complete application for renewal of the permit.

Note: Under 40 CFR 70.5(a)(1)(iii), the renewal application must be submitted at least 6 months, but not more than 18 months before the permit expires.

(3) EXTENSIONS AND DEFERRALS. (a) *Extensions for cause.* An existing source may request and the department may grant an extension of not more than 60 days beyond the applicable date specified in sub. (1) (a) if all of the following conditions are met:

1. a. The extension is requested in writing at least 30 but no more than 90 days before the application is due.

b. The department may waive the 30 day requirement in subd. 1. a. if an emergency occurs that makes it impossible for the source to meet that deadline.

2. The applicant demonstrates that the reason that they cannot meet the date specified in sub. (1) (a) is beyond their reasonable control.

3. The extension does not extend the date that a complete application is due for a part 70 source beyond November 15, 1995.

(b) *Deferral for sources proposing to become synthetic minor sources.* 1. If an existing source proposes to be permitted as a synthetic minor source in order to avoid being classified as a part 70 source, the owner or operator shall:

a. Submit a complete application for an operation permit for a non− part 70 source in accordance with s. NR 407.05 (4) and (8) by the date that a part 70 source permit application would be due for that source under the schedule in Table 1.

b. Submit information to show that the actual emissions of each air contaminant emitted by the source for the 2 most recent years prior to the submittal of the application for an operation permit were less than the corresponding thresholds for being classified a major source under s. NR 407.02 (4). If available, actual emissions, as reported to the department pursuant to ch. NR 438, shall be submitted.

c. Submit information to show that the source is a part 70 source solely due to its classification as a major source.

2. The department shall review the application and determine whether the source may be permitted as a non−part 70 source and whether the source has demonstrated that the requirements of subd. 1. have been met. If the department determines that the source may be permitted as a non−part 70 source and the requirements of subd. 1. have been met, it shall process the application in accordance with s. 285.62, Stats., and ss. NR 407.07 and 407.09. If the department determines that the source may not be permitted as a non−part 70 source, the department shall notify the source of that determination. The owner or operator of the source shall then submit to the department a complete application for a part 70 source in accordance with s. NR 407.05 (4) by October 30, 1995.

(4) PERCHLOROETHYLENE DRY CLEANING FACILITIES. Notwithstanding sub. (1), the owner or operator of any perchloroethylene dry cleaning facility that is not a major source or located at a major source as defined in s. NR 468.20 (2) (L), is not required to obtain a construction permit under ch. NR 406 and on which construction commenced prior to July 1, 1995, shall submit an operation permit application, on application forms available from the department, by July 1, 1996.

(5) HALOGENATED SOLVENT CLEANING. Notwithstanding sub. (1) and except as provided in sub. (4), the owner or operator of any batch vapor or in−line cleaning machine as defined in s. NR 469.02 (3), (26) and (44) that uses any halogenated HAP solvent as a cleaning or drying agent and that is not a major source or located at a major source and on which construction commenced prior to April 1, 1997 shall submit an operation permit application for a part 70 source, on application forms available from the department, by the date that an operation permit application for a non−part 70 source would be due for that source under the schedule in Table 1.

(6) CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING OPERATIONS. Notwithstanding sub. (1), the owner or operator of any facility which does hard or decorative chromium electroplating as defined in s. NR 463.02 (18) and (10) or chromium anodizing as defined in s. NR 463.02 (7) that is not a major source or located at a major source, is not required to obtain a construction permit under ch. NR 406, and on which construction commenced prior to October 1, 1997, shall submit an operation permit application for a part 70 source, on application forms available from the

department, by the date that an operation permit application for a non−part 70 source would be due for that source under the schedule in Table 1.

(7) SECONDARY ALUMINUM PROCESSING UNITS. Notwithstanding sub. (1), the owner or operator of any facility which has a secondary aluminum processing unit as defined in s. NR 463.12 (35) that is not a major source and is not required to obtain a construction permit under ch. NR 406, shall submit an operation permit application for a non−part 70 source on application forms available from the department no later than one year after January 1, 2009.

Table 1
Application Filing Dates For Air Pollution Operation Permits For Existing Sources

County of Location	Application Filing Date for Part 70 Sources	Application Filing Date for Non−part 70 Sources
Adams	June 1, 1994	August 1, 1997
Ashland	June 1, 1994	August 1, 1997
Barron	March 1, 1995	May 1, 1998
Bayfield	June 1, 1995	August 1, 1998
Brown	May 1, 1995	July 1, 1998
Buffalo	October 1, 1994	December 1, 1997
Burnett	December 1, 1994	February 1, 1998
Calumet	May 1, 1994	July 1, 1997
Chippewa	June 1, 1995	August 1, 1998
Clark	March 1, 1995	May 1, 1998
Columbia	May 1, 1994	July 1, 1997
Crawford	May 1, 1994	July 1, 1997
Dane	September 1, 1995	November 1, 1998
Dodge	May 1, 1995	July 1, 1998
Door	September 1, 1994	November 1, 1997
Douglas	May 1, 1994	August 1, 1998
Dunn	August 1, 1994	October 1, 1997
Eau Claire	December 1, 1994	February 1, 1998
Florence	August 1, 1994	October 1, 1997
Fond du Lac	September 1, 1994	November 1, 1997
Forest	June 1, 1994	August 1, 1997
Grant	August 1, 1994	October 1, 1997
Green Lake	May 1, 1995	July 1, 1998
Green	February 1, 1995	April 1, 1998
Iowa	January 1, 1995	March 1, 1998
Iron	December 1, 1994	February 1, 1998
Jackson	March 1, 1995	May 1, 1998
Jefferson	November 1, 1994	January 1, 1998
Juneau	June 1, 1994	August 1, 1997
Kenosha	January 1, 1995	March 1, 1998
Kewaunee	September 1, 1994	November 1, 1997
La Crosse	September 1, 1995	November 1, 1998
Lafayette	January 1, 1995	March 1, 1998
Langlade	June 1, 1994	August 1, 1997
Lincoln	August 1, 1994	October 1, 1997
Manitowoc	February 1, 1995	April 1, 1998
Marathon	May 1, 1995	July 1, 1998
Marinette	August 1, 1994	October 1, 1997
Marquette	May 1, 1995	July 1, 1998
Menominee	July 1, 1994	September 1, 1997
Milwaukee, south of Wisconsin Avenue	July 1, 1995	June 1, 1998
Milwaukee, north of Wisconsin Avenue	April 1, 1995	September 1, 1998
Monroe	March 1, 1995	May 1, 1998
Oconto	July 1, 1994	September 1, 1997
Oneida	May 1, 1994	July 1, 1997
Outagamie	November 1, 1994	January 1, 1998
Ozaukee	July 1, 1994	September 1, 1997
Pepin	December 1, 1994	February 1, 1998
Pierce	June 1, 1994	August 1, 1997

Table 1 (Continued)
Application Filing Dates For Air Pollution Operation Permits For Existing Sources

County of Location	Application Filing Date for Part 70 Sources	Application Filing Date for Non−part 70 Sources
Polk	March 1, 1995	May 1, 1998
Portage	November 1, 1994	January 1, 1998
Price	June 1, 1995	July 1, 1997
Racine	January 1, 1995	March 1, 1998
Richland	August 1, 1994	October 1, 1997
Rock	February 1, 1995	April 1, 1998
Rusk	December 1, 1994	February 1, 1998
Sauk	June 1, 1994	August 1, 1997
Sawyer	December 1, 1994	February 1, 1998
Shawano	June 1, 1994	August 1, 1997
Sheboygan	October 1, 1994	December 1, 1997
St Croix	August 1, 1994	October 1, 1997
Taylor	December 1, 1994	February 1, 1998
Trempealeau	October 1, 1994	December 1, 1997
Vernon	December 1, 1994	February 1, 1998
Vilas	May 1, 1994	July 1, 1997
Walworth	May 1, 1994	July 1, 1997
Washburn	December 1, 1994	February 1, 1998
Washington	June 1, 1994	August 1, 1997
Waukesha	October 1, 1995	December 1, 1998
Waupaca	September 1, 1994	November 1, 1997
Waushara	September 1, 1994	November 1, 1997
Winnebago	August 1, 1995	October 1, 1998
Wood	February 1, 1995	April 1, 1998
Portable sources located anywhere in Wisconsin	October 1, 1995	December 1, 1998

History: Cr. Register, December, 1984, No. 348, eff. 1−1−85; renum. (1) to be (1) (a), cr. (1) (b), Register, September, 1988, No. 393, eff. 10−1−88; am. (1) (a), renum. Table, Register, May, 1992, No. 437, eff. 6−1−92; am. (1) (a), Register, June, 1993, No. 450, eff. 7−1−93; r. and recr. Register, December, 1993, No. 456, eff. 1−1−94; am. (1) (intro.), cr. (4), Register, June, 1995, No. 474, eff. 7−1−95; am. (3) (b) 1. b., Register, December, 1996, No. 492, eff. 1−1−97; am. (1) (intro.) and (4) and cr. (5), Register, March, 1997, No. 495, eff. 4−1−97; am. (1) (intro) and cr. (6), Register, September, 1997, No. 501, eff. 10−1−97; cr. (intro.) and am. (1) (intro.) and (b) 3., Register, October, 1999, No. 526, eff. 11−1−99; CR 04−023: cr. (7) Register December 2008 No. 636, eff. 1−1−09; CR 09−020: am. (2) Register January 2010 No. 649, eff. 2−1−10.

NR 407.05 Applications and forms. (1) Applications for operation permits and renewals of operation permits shall be made on forms supplied by the department for these purposes and supplemented with other materials as indicated on the forms. The forms may be supplied by the department in an electronic format, such as on a computer disk, or on line, if so requested by the applicant.

Note: Application forms may be obtained from the Department Regional Headquarters or Service Center offices or from the Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707−7921, Attention: operation permits. The internet web address is: http://dnr.wi.gov/air/permits.html.

(2) Application materials may be submitted on paper or in an electronic format. The applicant shall submit 2 copies of all forms and other required materials, as indicated on the forms, which are submitted on paper. The applicant shall submit one copy of all forms and other required materials, as indicated on the forms, which are submitted in an electronic format. These materials shall be submitted to the Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707−7921, Attention: Operation permits.

(3) The application forms shall be signed by a responsible official of the stationary source designated by the source for this purpose. In the case of an electronic format application, a form supplied with the electronic format shall be signed in accordance with this subsection and returned to the department with the electronic format application.

(4) The application shall contain all of the information required for the issuance of an operation permit. Except as provided in subs. (5) and (8), it shall include the following elements:

(a) Identifying information, including company name and address, and plant name and address if different from the company name or address, owner's name and agent, and operator if different from the owner, and names and telephone numbers of the plant manager and contact person.

(b) A description of the source's processes and products, by standard industrial classification code as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05, including any processes and products associated with each alternate operating scenario identified by the source.

(c) The following emissions−related information:

1. The maximum theoretical emissions of all air contaminants from all emissions units, operations and activities except for those exempted under subd. 9. or 10. Fugitive emissions from emissions units, operations and activities shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source. Maximum theoretical fugitive emissions shall be calculated using average operating conditions and average weather conditions. Only sources that manufacture or treat pesticides, rodenticides, insecticides, herbicides, fungicides or pharmaceuticals shall include

emissions of air contaminants identified as falling within these categories in Table 2, or Table 3 for calendar years 2004 and later, in their permit applications. When preparing its application, the owner or operator of a facility may rely on information in an approved material safety data sheet. Trace contaminants need not be reported if they constitute less than 1% (10,000 parts per million) of the material, or 0.1% (1,000 parts per million) of the material if the air contaminant is listed with a control requirement in column (i) of Table A, B or C of s. NR 445.07, unless a hazardous air contaminant is formed in processing the material.

2. Identification and description of all emissions points in sufficient detail to determine the applicable requirements to be included in an operation permit.

3. Emission rates in tons per year and in terms necessary to demonstrate compliance with emission limitations consistent with the applicable reference test method.

4. The following information to the extent that it is needed to determine or regulate emissions: types and amounts of fuels used, types and amounts of raw materials used, production rates and operating schedules.

5. Identification and description of air pollution control equipment and compliance monitoring devices or activities.

6. Limitations on source operations and any applicable work practice standards which affect emissions of any air contaminants.

7. Other information necessary to determine any applicable requirement.

8. The calculations on which the information contained in subds. 1. to 7. is based.

9. The emissions units, operations and activities in subd. 9. a. to o. shall be listed in the application but are exempt from being further included in any application required under this chapter:

a. Any emissions unit, operation or activity that has, for each air contaminant, maximum theoretical emissions that are less than the level specified in Table 2, or Table 3 for calendar years 2004 and later. Multiple emissions units, operations and activities that perform identical or similar functions shall be combined in determining the applicability of the exemption under this subparagraph.

b. If the maximum theoretical emissions of any air contaminants listed in Table 2, or Table 3 for calendar years 2004 and later from all emission units, operations or activities at a facility are less than 5 times the level specified in Table 2, or Table 3 for calendar years 2004 or later, for those air contaminants, any emissions unit, operation or activity that emits only those air contaminants.

c. Maintenance of grounds, equipment and buildings, including lawn care, pest control, grinding, cutting, welding, painting, woodworking, general repairs and cleaning, but not including use of organic compounds as clean−up solvents.

d. Boiler, turbine, generator, heating and air conditioning maintenance.

e. Pollution control equipment maintenance.

f. Internal combustion engines used for warehousing and material transport, forklifts and courier vehicles, front end loaders, graders and trucks, carts and maintenance trucks.

g. Fire control equipment.

h. Janitorial activities.

i. Office activities.

j. Convenience water heating.

k. Convenience space heating units with heat input capacity of less than 5 million Btu per hour that burn gaseous fuels, liquid fuels or wood.

L. Fuel oil storage tanks with a capacity of 10,000 gallons or less.

m. Stockpiled contaminated soils.

n. Demineralization and oxygen scavenging of water for boilers.

o. Purging of natural gas lines.

10. For any emissions unit, operation or activity that is included in the application, the applicant does not need to include information on any air contaminant if the maximum theoretical emissions of the air contaminant are less than the level for that air contaminant listed in Table 2, or Table 3 for calendar years 2004 and later, or if the maximum theoretical emissions of any air contaminant listed in Table 2, or Table 3 for calendar years 2004 and later, from all emission units, operations or activities at a facility are less than 5 times the level specified in Table 2, or Table 3 for calendar years 2004 and later, for that air contaminant. Multiple emissions units, operations and activities that perform identical or similar functions shall be combined in determining the applicability of this exemption.

(d) The following air pollution control requirements:

1. Citation and description of all applicable requirements.

2. Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(e) Other specific information that may be necessary to implement and enforce other requirements of the Act or to determine the applicability of the requirements.

(f) An explanation of any proposed exemptions from otherwise applicable requirements.

(g) Additional information necessary to define alternate operating scenarios pursuant to s. NR 407.09 (2) (b), or to define permit terms and conditions implementing the permit flexibility provisions of s. NR 407.025 or internal offset provisions of s. NR 425.05.

(h) A compliance plan that contains all of the following:

1. A description of the compliance status of the source with respect to all applicable requirements.

2. A description as follows:

a. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.

b. For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis.

c. For requirements for which a stationary source is not proposed to be in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with the requirements.

3. A compliance schedule as follows:

a. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.

b. For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis, unless a more detailed schedule is expressly required by the applicable requirement.

c. A compliance schedule for sources which are not proposed to be in compliance with all applicable requirements at the time of permit issuance. The schedule shall include a series of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judgment, judicial consent decree or stipulation or administrative order to which the source is subject.

4. A schedule for submission of progress reports, certified pursuant to par. (j), no less frequently than every 6 months for stationary sources which are not in compliance with all applicable requirements on the date of permit issuance.

5. For affected sources, the acid rain program compliance plan elements required under section 408 of the Act (42 USC 7651g) and s. NR 409.09.

(i) Requirements for compliance certification, including the following:

1. A certification of the source's compliance status with all applicable requirements by a responsible official consistent with par. (j).

2. A description of the methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements and test methods.

3. A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the department.

4. A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements under section 114 (a) (3) of the Act (42 USC 7414 (a) (3)).

(j) Any application form, report or compliance certification submitted pursuant to this section shall require certification by a responsible official of the truth, accuracy and completeness of the submission. This certification and any other certification required under this chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

(5) The applicant shall use nationally−standardized forms for the portions of permit applications and compliance plans related to acid rain program requirements, as required by regulations promulgated under the acid rain program.

Note: These forms may be obtained from the Department Regional Headquarter or Service Center offices or from the Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707−7921, Attention: operation permits, or U.S. EPA, Region 5, 77 W Jackson Blvd, Chicago IL 60604.

(6) The applicant shall specifically identify all information in the permit application for which confidential status is sought and shall follow procedures in s. 285.70, Stats., and s. NR 2.19 to request confidential status for that information. In addition to the copies of the complete application required under sub. (2), an applicant requesting confidentiality shall also supply to the department 3 copies of the application with all confidential material deleted for forms and other materials which are submitted on paper. The applicant shall file one copy of all forms and other materials with all confidential material deleted if submitted in electronic format.

(7) Applications for general and registration operation permits shall be submitted on forms supplied by the department and shall include all information necessary to determine qualification for and ability to meet the applicable emission limitations and requirements of the general or registration operation permit.

(8) Notwithstanding sub. (4) (intro.), the initial applications for existing, non−part 70 sources submitted pursuant to s. NR 407.04 (1) and initial applications for new or modified sources for which no construction permit is required do not need to include the information in sub. (4) (d), (f), (h) and (i).

(9) An applicant who has failed to submit relevant facts or has submitted incorrect information in a permit application shall, after becoming aware of this fact, promptly submit the supplemental or corrected information. In addition, an applicant shall provide any additional information as necessary to address any requirements that become applicable after the date he or she filed a complete application, but prior to publication of a public notice under s. 285.62 (3) (c), Stats.

(10) All material statements, representations and certifications in a permit application shall be truthful.

Table 2
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Acetaldehyde	2, 3	75−07−0	2,000
Acetamide	2	60−35−5	2,000.0
Acetic acid	3	64−19−7	1,825
Acetic anhydride	3	108−24−7	887
Acetonitrile	2, 3	75−05−8	2,000.0
Acetophenone	2	98−86−2	2,000.0
2−Acetylaminofluorene	2	53−96−3	2,000.0
Acrolein	2, 3	107−02−8	18.3
Acrylamide	2, 3	79−06−1	21.0
Acrylic acid	2, 3	79−10−7	2,000.0
Acrylonitrile	2, 3	107−13−1	2.5
Adriamycin	3	23214−92−8	Group B Pharmaceutical
Aflatoxins	3	1402−68−2	2.5
Aldrin	3, 6	309−00−2	18.3
Allyl alcohol	3	107−18−6	365.8
Allyl chloride	2, 3	107−05−1	218.6
Aluminum alkyls	3	7429−90−5*	145.1
Aluminum pyro powders	3	7429−90−5*	365.8
Aluminum soluble salts	3	7429−90−5*	145.1
2−Aminoanthraquinone	3	117−79−3	25.0
4−Aminobiphenyl	2, 3	92−67−1	2.5
Amitrole	3, 6	61−82−5	14.5
Ammonia	3	7664−41−7	1,314

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Aniline	2, 3	62−53−3	729.5
Anisidine	2, 3	29191−52−4	25
o−Anisidine and o−anisidine hydrochloride	2, 3	90−04−0*	25.0
Antimony & compounds, as Sb	2, 3	7440−36−0*	35.7
ANTU	3, 6	86−88−4	21.0
Arsenic and inorganic compounds, as As	2, 3	7440−38−2*	2.5
Arsine	2, 3	7784−42−1	14.5
Asbestos, all forms	2, 3	1332−21−4*	2.5
Atrazine	3, 6	1912−24−9	365.8
Azathioprine	3	446−86−6	Group A Pharmaceutical
Azinphos−methyl	3, 6	86−50−0	14.5
Barium, soluble compounds, as Ba	3	7440−39−3*	35.7
Benomyl	3, 6	17804−35−2	729.5
Benz(a)anthracene	3	56−55−3	Polycyclic Organic Matter
Benzene	2, 3	71−43−2	30.0
Benzidine	2, 3	92−87−5	0.2
Benzo(b)fluoranthene	2, 3	205−99−2	Polycyclic Organic Matter
Benzo(a)pyrene	3	50−32−8	Polycyclic Organic Matter
Benzotrichloride	2, 3	98−07−7	25.0
Benzoyl peroxide	3	94−36−0	365.8
Benzyl chloride	2, 3	100−44−7	365.8
Beryllium and beryllium compounds, as Be	2, 3	7440−41−7*	2.5
Biphenyl	2, 3	92−52−4	109.3
N,N−Bis(2−chloroethyl)−2−naphthylamine (Chloro-naphazine)	3	494−03−1	Group A Pharmaceutical
Bischloroethyl nitrosourea	3	154−93−8	Group B Pharmaceutical
Bis (chloromethyl) ether (BCME) and technical grade	2, 3	542−88−1	0.01
Borates, tetra, sodium salts, decahydrate	3	1303−96−4*	365.8
Borates, tetra, sodium salts, pentahydrate	3	1303−96−4*	73.6
Boron tribromide	3	10294−33−4	444
Boron trifluoride	3	7637−07−2	132.5
Bromacil	3, 6	314−40−9	729.5
Bromine	3	7726−95−6	50.5
Bromine pentafluoride	3	7789−30−2	50.5
Bromoform	2	75−25−2	2,000.0
1,3−Butadiene	2, 3	106−99−0	2,000.0
1,4−Butanediol dimethanesulphonate (Myleran)	3	55−98−1	Group A Pharmaceutical
2−Butoxyethanol (EGBE)	3	111−76−2	2,000.0
n−Butyl acrylate	3	141−32−2	2,000.0
n−Butyl alcohol	3	71−36−3	2,000.0
n−Butylamine	3	109−73−9	666.46
tert−Butyl chromate, as Cr	2, 3	1189−85−1	0.01
n−Butyl glycidyl ether (BGE)	3	2426−08−6	2,000.0
n−Butyl lactate	3	138−22−7	1,824.9
o−sec−Butylphenol	3	89−72−5	2,000.0
p−tert−Butyltoluene	3	98−51−1	2,000.0
Cadmium and cadmium compounds, as Cd	2, 3	7440−43−9*	2.5
Calcium cyanamide	2, 3	156−62−7	35.7
Calcium hydroxide	3	1305−62−0	365.8
Calcium oxide	3	1305−78−8	145.1
Camphor (synthetic)	3	76−22−2	874.6
Caprolactam vapor	3	105−60−2	1,459.1

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Captafol	3, 6	2425−06−1	7.4
Captan	2, 3, 6	133−06−2	365.8
Carbaryl	2, 3, 6	63−25−2	365.8
Carbofuran	3, 6	1563−66−2	7.4
Carbon black	3	1333−86−4	254.4
Carbon disulfide	2, 3	75−15−0	2,000.0
Carbon monoxide	1	630−08−0	2,000.0
Carbon tetrabromide	3	558−13−4	103.0
Carbon tetrachloride	2, 3, 5	56−23−5	2.5
Carbonyl fluoride	3	353−50−4	365.8
Carbonyl sulfide	2	463−58−1	2,000.0
Catechol (Pyrocatechol)	2, 3	120−80−9	1,459
Cesium hydroxide	3	21351−79−1	145
Chloramben	2	133−90−4	2,000.0
Chlorambucil	3	305−03−3	Group A Pharmaceutical
Chlordane	2, 3, 6	57−74−9	35.7
Chlorinated camphene (Toxaphene)	2, 3, 6	8001−35−2	35.7
Chlorinated dioxins and furans (total equivalents)	4	*	0.00001
Chlorinated diphenyl oxide	3	55720−99−5	35.7
Chlorine	2, 3	7782−50−5	218.6
Chlorine dioxide	3	10049−04−4	21.0
Chlorine trifluoride	3	7790−91−2	17.7
Chloroacetic acid	2	79−11−8	2,000.0
2−Chloroacetophenone	2	532−27−4	2,000.0
Chlorobenzene (Monochlorobenzene)	2, 3	108−90−7	2,000.0
Chlorobenzilate	2	510−15−6	2,000.0
1− (2−Chloroethyl) −3−cyclohexyl−1−nitrosourea (CCNU)	3	13010−47−4	Group B Pharmaceutical
Chlorofluorocarbon−11 (CFC−11, R−11, Trichloro-fluoromethane)	5	75−69−4	2,000.0
Chlorofluorocarbon−12 (CFC−12, R−12, Dichlorodi-fluoromethane)	5	75−71−8	2,000.0
Chlorofluorocarbon−13 (CFC−13, R−13, Chlorotri-fluoromethane)	5	75−72−9	2,000.0
Chlorofluorocarbon−111 (CFC−111)	5	954−56−3	2,000.0
Chlorofluorocarbon−112 (CFC−112)	5	76−12−0	2,000.0
Chlorofluorocarbon−113 (CFC−113, R−113, Trichloro-trifluoroethane)	5	76−13−1	2,000.0
Chlorofluorocarbon−114 (CFC−114, R−114, Dichloro-tetrafluoroethane)	5	76−14−2	2,000.0
Chlorofluorocarbon−115 (CFC−115, R−115, Mono-chloropentafluoroethane)	5	76−15−3	2,000.0
Chlorofluorocarbon−211 (CFC−211, R−211)	5	422−78−6	2,000.0
Chlorofluorocarbon−212 (CFC−212, R−212)	5	3182−26−1	2,000.0
Chlorofluorocarbon−213 (CFC−213, R−213)	5	2354−06−5	2,000.0
Chlorofluorocarbon−214 (CFC−214, R−214)	5	29255−31−0	2,000.0
Chlorofluorocarbon−215 (CFC−215, R−215)	5	4259−43−2	2,000.0
Chlorofluorocarbon−216 (CFC−216, R−216)	5	661−97−2	2,000.0
Chlorofluorocarbon−217 (CFC−217, R−217)	5	422−86−6	2,000.0
Chloroform	2, 3	67−66−3	25.0
Chloromethyl methyl ether (CMME)	2, 3	107−30−2	0.01
1−Chloro−1−nitropropane	3, 6	600−25−9	729.5
Chloropicrin (Trichloronitromethane)	3, 6	76−06−2	50.5

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
β−Chloroprene	2, 3	126−99−8	2,000.0
o−Chlorostyrene	3	2039−87−4	2,000.0
o−Chlorotoluene	3	95−49−8	2,000.0
Chlorpyrifos	3, 6	2921−88−2	14.5
Chromium (II) compounds, as Cr	2, 3	7440−47−3*	35.7
Chromium (III) compounds, as Cr	2, 3	7440−47−3*	35.7
Chromium (VI) compounds, as Cr, water soluble	2, 3	7440−47−3*	3.6
Chromium (VI) compounds, as Cr, water insoluble	2, 3	7440−47−3*	0.2
Chromium (metal)	2, 3	7440−47−3	35.7
Chromyl chloride, as Cr	2, 3	14977−61−8	0.01
Cobalt, as Co, metal, dust	2, 3	7440−48−4	3.6
Coke oven emissions	2, 3	*	2.5
Copper, dust & mists, as Cu	3	7440−50−8	73.6
p−Cresidine	3	120−71−8	25.0
Cresol, all isomers	2, 3	1319−77−3	1,604
m−Cresol	2	108−39−4	2,000.0
o−Cresol	2	95−48−7	2,000.0
p−Cresol	2	106−44−5	2,000.0
Crotonaldehyde	3	123−73−9*	588.7
Crufomate	3, 6	299−86−5	365.8
Cumene	2, 3	98−82−8	2,000.0
Cyanamide	3	420−04−2	145.1
Cyanides, (inorganics), as CN	2, 3	143−33−9*	365.8
Cyanogen	3	460−19−5	1,459.1
Cyanogen chloride	3	506−77−4	27.3
Cyclohexanol	3	108−93−0	2,000.0
Cyclohexanone	3	108−94−1	2,000.0
Cyclohexylamine	3	108−91−8	2,000.0
Cyclopentadiene	3	542−92−7	2,000.0
Cyclophosphamide	3	50−18−0	Group A Pharmaceutical
Cyhexatin	3, 6	13121−70−5	365.8
2,4−D, salts and esters	2	94−75−7	2,000.0
DDE	2	72−55−9	2,000.0
Dacarbazine	3	4342−03−4	Group B Pharmaceutical
Demeton	3, 6	8065−48−3	7.4
Diacetone alcohol	3	123−42−2	2,000.0
2,4−Diaminoanisole sulfate	3	39156−41−7	25.0
2,4−Diaminotoluene	2, 3	95−80−7*	25.0
Diazinon	3, 6	333−41−5	7.4
Diazomethane	2, 3	334−88−3	29.4
Dibenz(a,h)acridine	2, 3	226−36−8	Polycyclic Organic Matter
Dibenz(a,j)acridine	2, 3	224−42−0	Polycyclic Organic Matter
Dibenz(a,h)anthracene	2, 3	53−70−3	Polycyclic Organic Matter
7H−Dibenzo(c,g)carbazole	2, 3	194−59−2	Polycyclic Organic Matter
Dibenzofurans	2	132−64−9	2,000.0
Dibenzo(a,h)pyrene	2, 3	189−64−0	Polycyclic Organic Matter
Dibenzo(a,i)pyrene	2, 3	189−55−9	Polycyclic Organic Matter
Diborane	3	19287−45−7	7.4
1,2−Dibromo−3−chloropropane (DBCP)	2, 3	96−12−8	25.0
1,2−Dibromoethane (EDB)	2, 3	106−93−4	25.0
2−N−Dibutylaminoethanol	3	102−81−8	1,022
Dibutyl phthalate	2, 3, 6	84−74−2	365.8

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
o−Dichlorobenzene	3	95−50−1	2,000.0
p−Dichlorobenzene	2, 3	106−46−7	2,000
3,3′−Dichlorobenzidine	2, 3	91−94−1	25.0
1,3−Dichloro−5,5−dimethyl hydantoin	3	118−52−5	14.5
1,1−Dichloroethane	2, 3	75−34−3	2,000.0
1,2−Dichloroethane (EDC)	2, 3	107−06−2	2.5
1,2−Dichloroethylene	3	540−59−0	2,000.0
Dichloroethyl ether	2, 3	111−44−4	2,000.0
1,1−Dichloro−1−nitroethane	3	594−72−9	729.5
1,3−Dichloropropene	2, 3, 6	542−75−6	365.8
2,2−Dichloropropionic acid	3, 6	75−99−0	437.3
Dichlorvos	2, 3, 6	62−73−7	73.6
Dicrotophos	3, 6	141−66−2	18.3
Dicyclopentadiene	3	77−73−6	2,000.0
Dieldrin	3, 6	60−57−1	18.3
Diethanolamine	2, 3	111−42−2	1,095
Diethylamine	3	109−89−7	2,000.0
2−Diethylaminoethanol	3	100−37−8	2,000.0
Diethylene triamine	3	111−40−0	292.2
Di(2−ethylhexyl)phthalate (DEHP)	2, 3	117−81−7	25.0
Diethyl phthalate	3	84−66−2	365.8
Diethyl sulfate	2, 3	64−67−5	2.5
Diethylstilbestrol (DES)	3	56−53−1	Group A Pharmaceutical
Diglycidyl ether (DGE)	3	2238−07−5	35.7
Diisobutyl ketone	3	108−83−8	2,000.0
Diisopropylamine	3	108−18−9	1,459
3,3′−Dimethoxybenzidine (o−Dianisidine)	2, 3	119−90−4	25.0
Dimethyl acetamide	3	127−19−5	2,000.0
Dimethylamine	3	124−40−3	1,314
4−Dimethylaminoazobenzene	2, 3	60−11−7	25.0
Dimethylaniline (N,N−Dimethylaniline)	2, 3	121−69−7	1,825
3,3′−Dimethylbenzidine (o−Tolidine)	2, 3	119−93−7	25.0
Dimethyl carbamoyl chloride	2, 3	79−44−7	25.0
N,N−Dimethylformamide	2, 3	68−12−2	2,000.0
1,1−Dimethylhydrazine	2, 3	57−14−7	25.0
Dimethylphthalate	2, 3	131−11−3	365.8
Dimethyl sulfate	2, 3	77−78−1	2.5
Dinitrobenzene, all isomers	3	528−29−0*	73.6
Dinitro−o−cresol	2, 3, 6	534−52−1	14.5
2,4−Dinitrophenol	2	51−28−5	2,000.0
Dinitrotoluene	2, 3	25321−14−6*	109.3
1,4−Dioxane	2, 3	123−91−1	25.0
Dioxathion	3, 6	78−34−2	14.5
Diquat	3, 6	85−00−7*	35.7
Disulfoton	3, 6	298−04−4	7.4
Divinyl benzene	3	1321−74−0*	2,000.0
Endosulfan	3, 6	115−29−7	7.4
Endrin	3, 6	72−20−8	7.4
Epichlorohydrin	2, 3	106−89−8	30.0
EPN	3, 6	2104−64−5	35.7
1,2−Epoxybutane (1,2−Butylene oxide)	2	106−88−7	2,000.0
Ethanolamine	3	141−43−5	584.5

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Ethion	3, 6	563−12−2	29.4
2−Ethoxyethanol (EGEE)	3	110−80−5	655.9
2−Ethoxyethyl acetate (EGEEA)	3	111−15−9	1,969.9
Ethyl acrylate	2, 3	140−88−5	1,459.1
Ethylamine (Ethanamine)	3	75−04−7	1,314.0
Ethyl amyl ketone	3	541−85−5	2,000.0
Ethyl benzene	2, 3	100−41−4	2,000.0
Ethyl butyl ketone	3	106−35−4	2,000.0
Ethyl chloride (Chloroethane)	2, 3	75−00−3	2,000.0
Ethylene chlorohydrin	3	107−07−3	132.5
Ethylenediamine	3	107−15−3	1,824.9
Ethylene glycol vapor	2, 3	107−21−1	2,000.0
Ethylene oxide	2, 3	75−21−8	2.5
Ethylene thiourea	2, 3	96−45−7	25.0
Ethylenimine (Aziridine)	2, 3	151−56−4	73.6
Ethylidene norbornene	3	16219−75−3	1,110.1
N−Ethylmorpholine	3	100−74−3	1,677.7
Ethyl silicate	3	78−10−4	2,000.0
Fensulfothion	3, 6	115−90−2	7.4
Fenthion	3, 6	55−38−9	14.5
Fine mineral fibers (includes mineral fiber emissions from facilities manufacturing or processing glass, rock or slag fibers, or other mineral derived fibers, of average diameter 1 micrometer or less)	2	*	2,000.0
Fluorides, (inorganics), as F	3	*	182.9
Fluorine	3	7782−41−4	145.1
Fonofos	3, 6	944−22−9	7.4
Formaldehyde	2, 3	50−00−0	25.0
Furfural	3	98−01−1	584.5
Furfuryl alcohol	3	98−00−0	2,000.0
Germanium tetrahydride	3	7782−65−2	44.2
Glycidol	3	556−52−5	2,000.0
Glycol ethers[8]	2	*	2,000.0
Group A Pharmaceuticals (a total of all air contaminants listed as Group A Pharmaceuticals)	3	*	2.5**
Group B Pharmaceuticals (a total of all air contaminants listed as Group B Pharmaceuticals)	3	*	25**
Halon−1211	5	353−59−3	2,000.0
Halon−1301	5	75−63−8	2,000.0
Halon−2402	5	124−73−2	2,000.0
Heptachlor	2, 3, 6	76−44−8	35.7
Hexachlorobenzene (HCB)	2, 3	118−74−1	2.5
Hexachlorobutadiene	2, 3, 6	87−68−3	9.2
Hexachlorocyclopentadiene	2, 3, 6	77−47−4	7.4
Hexachloroethane	2	67−72−1	2,000.0
Hexachloronaphthalene	3	1335−87−1	14.5
Hexamethylene−1,6−diisocyanate	2	822−06−0	2,000.0
Hexamethyl phosphoramide	2, 3	680−31−9	25.0
n−Hexane	2, 3	110−54−3	2,000.0
sec−Hexyl acetate	3	108−84−9	2,000.0
Hexylene glycol	3	107−41−5	2,000.0
Hydrazine and hydrazine sulfate	2, 3	302−01−2*	25.0
Hydrazobenzene	2, 3	122−66−7	25.0

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Hydrochlorofluorocarbon−21 (HCFC−21)	5	75−43−4	2,000.0
Hydrochlorofluorocarbon−22 (HCFC−22, R−22)	5	75−45−6	2,000.0
Hydrochlorofluorocarbon−31 (HCFC−31)	5	593−70−4	2,000.0
Hydrochlorofluorocarbon−121 (HCFC−121)	5	*	2,000.0
Hydrochlorofluorocarbon−122 (HCFC−122)	5	*	2,000.0
Hydrochlorofluorocarbon−123 (HCFC−123, R−123)	5	306−83−2*	2,000.0
Hydrochlorofluorocarbon−124 (HCFC−124, R−124)	5	63938−10−3*	2,000.0
Hydrochlorofluorocarbon−131 (HCFC−131)	5	*	2,000.0
Hydrochlorofluorocarbon−132b (HCFC−132b)	5	1649−08−7	2,000.0
Hydrochlorofluorocarbon−133a (HCFC−133a)	5	75−88−7	2,000.0
Hydrochlorofluorocarbon−141b (HCFC−141b, R−141b)	5	1717−00−6	2,000.0
Hydrochlorofluorocarbon−142b (HCFC−142b, R−142b)	5	75−68−3	2,000.0
Hydrochlorofluorocarbon−221 (HCFC−221)	5	*	2,000.0
Hydrochlorofluorocarbon−222 (HCFC−222)	5	*	2,000.0
Hydrochlorofluorocarbon−223 (HCFC−223)	5	*	2,000.0
Hydrochlorofluorocarbon−224 (HCFC−224)	5	*	2,000.0
Hydrochlorofluorocarbon−225ca (HCFC−225ca)	5	422−56−0	2,000.0
Hydrochlorofluorocarbon−225cb (HCFC−225cb)	5	507−55−1	2,000.0
Hydrochlorofluorocarbon−226 (HCFC−226)	5	*	2,000.0
Hydrochlorofluorocarbon−231 (HCFC−231)	5	*	2,000.0
Hydrochlorofluorocarbon−232 (HCFC−232)	5	*	2,000.0
Hydrochlorofluorocarbon−233 (HCFC−233)	5	*	2,000.0
Hydrochlorofluorocarbon−234 (HCFC−234)	5	*	2,000.0
Hydrochlorofluorocarbon−235 (HCFC−235)	5	*	2,000.0
Hydrochlorofluorocarbon−241 (HCFC−241)	5	*	2,000.0
Hydrochlorofluorocarbon−242 (HCFC−242)	5	*	2,000.0
Hydrochlorofluorocarbon−243 (HCFC−243)	5	*	2,000.0
Hydrochlorofluorocarbon−244 (HCFC−244)	5	*	2,000.0
Hydrochlorofluorocarbon−251 (HCFC−251)	5	*	2,000.0
Hydrochlorofluorocarbon−252 (HCFC−252)	5	*	2,000.0
Hydrochlorofluorocarbon−253 (HCFC−253)	5	*	2,000.0
Hydrochlorofluorocarbon−261 (HCFC−261)	5	*	2,000.0
Hydrochlorofluorocarbon−262 (HCFC−262)	5	*	2,000.0
Hydrochlorofluorocarbon−271 (HCFC−271)	5	*	2,000.0
Hydrogenated terphenyls	3	61788−32−7	365.8
Hydrogen bromide	3	10035−10−6	443.6
Hydrogen chloride	2, 3, 4	7647−01−0	311.2
Hydrogen cyanide	2, 3	74−90−8	443.6
Hydrogen fluoride	2, 3	7664−39−3	111.4
Hydrogen peroxide	3	7722−84−1	109.3
Hydrogen sulfide	3	7783−06−4	1,021.8
Hydroquinone	2, 3	123−31−9	145.1
2−Hydroxypropyl acrylate	3	999−61−1	218.6
Indeno(1,2,3−cd)pyrene	2, 3	193−39−5	Polycyclic Organic Matter
Indium	3	7440−74−6	7.4
Iodine	3	7553−56−2	44.2
Iron dextran complex	3	9004−66−4	Group B Pharmaceutical
Iron salts, soluble, as Fe	3	*	73.6
Isobutyl alcohol	3	78−83−1	2,000.0
Isooctyl alcohol	3	26952−21−6	2,000.0
Isophorone	2, 3	78−59−1	1,110.1
Isophorone diisocyanate	3	4098−71−9	6.5

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Isopropoxyethanol	3	109−59−1	2,000.0
Isopropylamine	3	75−31−0	874.6
N−Isopropylaniline	3	768−52−5	729.5
Isopropyl glycidyl ether	3	4016−14−2	2,000.0
Ketene	3	463−51−4	65.2
Lead compounds	2	7439−92−1*	2,000.0
Lindane and other hexachlorocyclohexane isomers	2, 3	58−89−9*	2.5
Maleic anhydride	2, 3	108−31−6	73.6
Manganese, as Mn, dust and compounds	2, 3	7439−96−5*	222.9
Melphalan	3	148−82−3	Group A Pharmaceutical
Mercury alkyl compounds, as Hg	2, 3	7439−97−6*	0.7
Mercury, all forms except alkyl, vapor, as Hg	2, 3	7439−97−6*	3.6
Mercury aryl & inorganic compounds, as Hg	2, 3	7439−97−6*	7.4
Mesityl oxide	3	141−79−7	2,000.0
Mestranol	3	72−33−3	Group B Pharmaceutical
Methacrylic acid	3	79−41−4	2,000.0
Methanol	2	67−56−1	2,000.0
Methomyl	3, 6	16752−77−5	182.9
Methoxychlor	2	72−43−5	2,000.0
2−Methoxyethanol (EGME)	3	109−86−4	1,166.8
2−Methoxyethyl acetate (EGMEA)	3	110−49−6	1,751.3
4−Methoxyphenol	3	150−76−5	365.8
Methyl acrylate	3	96−33−3	2,000.0
Methylacrylonitrile	3	126−98−7	218.6
Methylamine	3	74−89−5	874.6
Methyl n−amyl ketone	3	110−43−0	2,000.0
N−Methyl aniline	3	100−61−8	145.1
Methyl bromide	2, 3, 6	74−83−9	1,459.1
Methyl n−butyl ketone	3	591−78−6	1,459.1
Methyl chloride	2, 3	74−87−3	2,000.0
Methyl chloroform (1,1,1−Trichloroethane)	2	71−55−6	2,000.0
Methyl 2−cyanoacrylate	3	137−05−3	584.5
Methylcyclohexanol	3	25639−42−3	2,000.0
o−Methylcyclohexanone	3	583−60−8	2,000.0
Methyl demeton	3, 6	8022−00−2	35.7
4,4′−Methylene bis(2−chloroaniline) (MOCA)	2, 3	101−14−4	25.0
Methylene bis(4−cyclohexylisocyanate)	3	5124−30−1	3.9
Methylene bisphenyl isocyanate (MDI)	2, 3	101−68−8	8.8
Methylene chloride	2, 3	75−09−2	2,000.0
4,4′−Methylenedianiline (and dihydrochloride)	2, 3	101−77−9*	25.0
Methyl ethyl ketone (2−Butanone) (MEK)	2	78−93−3	2,000.0
Methyl ethyl ketone peroxide	3	1338−23−4	67.3
Methyl formate	3	107−31−3	2,000.0
Methyl hydrazine	2, 3	60−34−4	67.3
Methyl iodide	2, 3	74−88−4	25.0
Methyl isoamyl ketone	3	110−12−3	2,000.0
Methyl isobutyl carbinol	3	108−11−2	2,000.0
Methyl isobutyl ketone (MIBK)	2, 3	108−10−1	2,000.0
Methyl isocyanate	2, 3	624−83−9	3.6
Methyl methacrylate	2, 3	80−62−6	2,000.0
Methyl parathion	3, 6	298−00−0	14.5
α−Methyl styrene	3	98−83−9	2,000.0

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Methyl tert−butyl ether (MTBE)	2, 3	1634−04−4	2,000.0
Mevinphos (Phosdrin)	3, 6	7786−34−7	7.4
Molybdenum, as Mo, soluble compounds	3	7439−98−7*	365.8
Monocrotophos	3, 6	6923−22−4	18.3
Morpholine	3	110−91−8	2,000.0
Mustard gas	3	505−60−2	Group A Pharmaceutical
Naled	3, 6	300−76−5	218.6
Naphthalene	2, 3	91−20−3	2,000.0
2−Naphthylamine	3	91−59−8	2.5
Nickel compounds other than nickel subsulfide, as Ni	2, 3	7440−02−0*	25.0
Nickel subsulfide	2, 3	12035−72−2	2.5
Nitric acid	3	7697−37−2	365.8
p−Nitroaniline	3	100−01−6	218.6
Nitrobenzene	2, 3	98−95−3	365.8
4−Nitrobiphenyl	2	92−93−3	2,000.0
p−Nitrochlorobenzene	3	100−00−5	46.6
Nitroethane	3	79−24−3	2,000.0
Nitrogen mustards (2,2′−Dichloro−N−methyldiethylamine)	3	51−75−2	Group B Pharmaceutical
Nitrogen oxides	1, 4	*	2,000.0
Nitromethane	3	75−52−5	2,000.0
4−Nitrophenol	2	100−02−7	2,000.0
2−Nitropropane	2, 3	79−46−9	25.0
Nitrosoamines (a total of all air contaminants listed as Nitrosoamines)	3	*	25**
N−Nitrosodi−n−butylamine	3	924−16−3	Nitrosoamine
N−Nitrosodiethanolamine	3	1116−54−7	Nitrosoamine
N−Nitrosodiethylamine	3	55−18−5	Nitrosoamine
N−Nitrosodimethylamine	2, 3	62−75−9	Nitrosoamine
p−Nitrosodiphenylamine	3	156−10−5	Nitrosoamine
N−Nitrosodi−n−propylamine	3	621−64−7	Nitrosoamine
N−Nitroso−N−ethylurea	3	759−73−9	Nitrosoamine
N−Nitroso−N−methylurea	2, 3	684−93−5	Nitrosoamine
N−Nitrosomethylvinylamine	3	4549−40−0	Nitrosoamine
N−Nitrosomorpholine	2, 3	59−89−2	Nitrosoamine
N′−Nitrosonornicotine	3	16543−55−8	Nitrosoamine
N−Nitrosopiperidine	3	100−75−4	Nitrosoamine
N−Nitrosopyrrolidine	3	930−55−2	Nitrosoamine
N−Nitrososarcosine	3	13256−22−9	Nitrosoamine
Nitrotoluene, all isomers	3	99−08−1*	803.1
Octachloronaphthalene	3	2234−13−1	7.4
Oestradiol	3	50−28−2	Group B Pharmaceutical
Oxalic acid	3	144−62−7	73.6
Oxymetholone	3	434−07−1	Group B Pharmaceutical
Paraquat (respirable sizes)	3, 6	1910−42−5*	7.4
Parathion	2, 3, 6	56−38−2	7.4
Particulate matter	4	*	2,000.0
PM_{10}	1, 4	*	2,000.0
Pentachloronaphthalene	3	1321−64−8	35.7
Pentachloronitrobenzene (Quintobenzene) (PCNB)	2	82−68−8	2,000.0
Pentachlorophenol (PCP)	2, 3	87−86−5	35.7
Perchloroethylene (Tetrachloroethylene)	2, 3	127−18−4	2,000.0

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Perchloromethyl mercaptan	3	594−42−3	58.9
Phenazopyridine and phenazopyridine hydrochloride	3	136−40−3*	Group B Pharmaceutical
Phenol	2, 3	108−95−2	1,385
Phenothiazine	3, 6	92−84−2	365.8
p−Phenylenediamine	2, 3	106−50−3	7.4
Phenyl ether vapor	3	101−84−8	510.9
Phenyl glycidyl ether (PGE)	3	122−60−1	437.3
Phenylhydrazine	3	100−63−0	766.1
Phenyl mercaptan	3	108−98−5	145.1
Phenytoin and sodium salt of phenytoin	3	57−41−0*	Group B Pharmaceutical
Phorate	3, 6	298−02−2	3.6
Phosgene	2, 3	75−44−5	29.4
Phosphine	2, 3	7803−51−2	29.4
Phosphoric acid	3	7664−38−2	73.6
Phosphorus (yellow)	2, 3	7723−14−0	7.4
Phosphorus oxychloride	3	10025−87−3	44.2
Phosphorus pentachloride	3	10026−13−8	73.6
Phosphorus pentasulfide	3	1314−80−3	73.6
Phosphorus trichloride	3	7719−12−2	109.3
Phthalic anyhydride	2, 3	85−44−9	437.3
Pindone	3, 6	83−26−1	7.4
Platinum (metal)	3	7440−06−4	73.6
Platinum, soluble salts, as Pt	3	7440−06−4*	0.15
Polychlorinated biphenyls (PCB)	2, 3	1336−36−3	0.01
Polycyclic Organic Matter (a total of all air contaminants listed as Polycyclic Organic Matter)	2, 3	*	25**
Potassium hydroxide	3	1310−58−3	88.3
Procarbazine and procarbazine hydrochloride	3	366−70−1*	Group B Pharmaceutical
1,3−Propane sultone	2, 3	1120−71−4	25.0
Propargyl alcohol	3	107−19−7	145.1
β−Propiolactone	2, 3	57−57−8	25.0
Propionaldehyde	2	123−38−6	2,000.0
Propoxur	2, 3, 6	114−26−1	35.7
Propylene dichloride	2, 3	78−87−5	2,000.0
Propylene glycol monomethyl ether (PGME)	3	107−98−2	2,000.0
Propylene oxide	2, 3	75−56−9	25.0
Propylenimine	2, 3	75−55−8	25.0
Propylthiouracil	3	51−52−5	Group B Pharmaceutical
Pyrethrum	3, 6	8003−34−7	365.8
Pyridine	3	110−86−1	1,095.4
Quinoline	2	91−22−5	2,000.0
Quinone	2, 3, 6	106−51−4	29.4
Reserpine	3	50−55−5	Group B Pharmaceutical
Resorcinol	3	108−46−3	2,000.0
Rhodium (metal)	3	7440−16−6	73.6
Rhodium, soluble compounds, as Rh	3	7440−16−6*	0.74
Rotenone (commercial)	3, 6	83−79−4	365.8
Selenium and compounds, as Se	2, 3	7782−49−2*	14.5
Silicon tetrahydride (Silane)	3	7803−62−5	510.9
Sodium bisulfite	3	7631−90−5	365.8
Sodium fluoroacetate	3, 6	62−74−8	3.6
Sodium hydroxide	3	1310−73−2	88.3

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Stibine (Antimony hydride)	3, 6	7803−52−3	35.7
Stoddard solvent (Mineral spirits)	3	8052−41−3	2,000.0
Streptozotocin	3	18883−66−4	Group B Pharmaceutical
Strychnine	3, 6	57−24−9	10.9
Styrene, monomer	2, 3	100−42−5	2,000.0
Styrene oxide	2	96−09−3	2,000.0
Sulfotep (TEDP)	3, 6	3689−24−5	14.5
Sulfur dioxide	1, 4	7446−09−5	2,000.0
Sulfuric acid	3	7664−93−9	73.6
Sulfur monochloride	3	10025−67−9	267.0
Sulfur tetrafluoride	3	7783−60−0	17.7
Sulfuryl fluoride	3, 6	2699−79−8	1459.1
Tellurium and compounds, as Te	3	13494−80−9*	7.4
TEPP	3, 6	107−49−3	3.6
Terphenyls	3	26140−60−3	222.9
2,3,7,8−Tetrachlorodibenzo−p−dioxin	2, 3	1746−01−6	0.00001
1,1,2,2−Tetrachloroethane	2, 3	79−34−5	510.9
Tetrachloronaphthalene	3	1335−88−2	145.1
Tetrahydrofuran	3	109−99−9	2,000.0
Thallium, soluble compounds, as Tl	3	7440−28−0*	7.4
Thionyl chloride	3	7719−09−7	222.9
Thiourea	3	62−56−6	25.0
Thiram	3, 6	137−26−8	365.8
Tin (metal)	3	7440−31−5	145.1
Tin organic compounds, as Sn	3	7440−31−5*	7.4
Tin oxide & inorganic compounds, except SnH_4, as Sn	3	7440−31−5*	145.1
Titanium tetrachloride	2	7550−45−0	2,000.0
Toluene (Toluol)	2, 3	108−88−3	2,000.0
Toluene−2,4−diisocyanate (TDI)	2, 3	584−84−9	2.9
m−Toluidine	3	108−44−1	656
o−Toluidine	2, 3	95−53−4	2.5
Total reduced sulfur and reduced sulfur compounds	4	*	2,000.0
Tributyl phosphate	3	126−73−8	182.9
1,2,4−Trichlorobenzene	2, 3	120−82−1	1,774.4
1,1,2−Trichloroethane	2, 3	79−00−5	2,000.0
Trichloroethylene	2, 3	79−01−6	2,000.0
Trichloronaphthalene	3	1321−65−9	365.8
2,4,5−Trichlorophenol	2	95−95−4	2,000.0
2,4,6−Trichlorophenol	2	88−06−2	2,000.0
1,2,3−Trichloropropane	3	96−18−4	2,000.0
Triethylamine	2	121−44−8	2,000.0
Trifluralin	2	1582−09−8	2,000.0
Trimellitic anhydride	3	552−30−7	2.9
Trimethyl benzene, mixed isomers	3	25551−13−7	2,000.0
2,2,4−Trimethylpentane	2	540−84−1	2,000.0
Triorthocresyl phosphate	3	78−30−8	7.4
Triphenyl phosphate	3	115−86−6	218.6
Tris(1−aziridinyl)phosphine sulfide	3	52−24−4	Group B Pharmaceutical
Tungsten − as W, insoluble compounds	3	7440−33−7*	365.8
Tungsten − as W, soluble compounds	3	7440−33−7*	73.6
Uranium (natural), soluble & insoluble compounds, as U	3	7440−61−1*	14.5
Urethane (Ethyl carbamate)	2, 3	51−79−6	25.0

Table 2 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2003 and Earlier

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
n−Valeraldehyde	3	110−62−3	2,000.0
Vinyl acetate	2, 3	108−05−4	2,000.0
Vinyl bromide	2	593−60−2	2,000.0
Vinyl chloride	2, 3	75−01−4	30.0
Vinyl cyclohexene dioxide	3	106−87−6	1,314.0
Vinylidene chloride	2, 3	75−35−4	1,459.1
Vinyl toluene	3	25013−15−4	2,000.0
Volatile organic compounds (Reactive organic gases)	1	*	2,000.0
Warfarin	3, 6	81−81−2	7.4
Xylene, mixed isomers (Xylol)	2, 3	1330−20−7	2,000.0
m−Xylene	2, 3	108−38−3	2,000.0
o−Xylene	2, 3	95−47−6	2,000.0
p−Xylene	2, 3	106−42−3	2,000.0
m−Xylene−α,α′−diamine	3	1477−55−0	4.4
Xylidine, mixed isomers	3	1300−73−8	182
Zirconium and compounds, as Zr	3	7440−67−7*	365.8

[1] Criteria pollutant or criteria pollutant precursor

[2] Federal hazardous air pollutant listed under section 112(b) of the Act

[3] State hazardous air pollutant

[4] Federal New Source Performance Standard

[5] Stratospheric ozone depleting substance

[6] Pesticides, rodenticides, insecticides, herbicides and fungicides

[7] The Chemical Abstract Service or CAS numbers refer to the unique chemical abstracts service registry number assigned to a specific chemical, isomer or mixture of chemicals or isomers and recorded in the CAS chemical registry system by the Chemical Abstracts Service, PO Box 3012, Columbus OH 42310, phone 1−800−848−5638 ext. 2308.

[8] Glycol ethers include mono− and di−ethers of ethylene glycol, diethylene glycol, and triethylene glycol, $R-(OCH_2CH_2)_n-OR'$
where: n = 1, 2 or 3
R = alkyl C7 or less
or R = phenyl or alkyl substituted phenyl
R′ = H or alkyl C7 or less, or OR′ consists of carboxylic acid ester, sulfate, phosphate, nitrate or sulfonate.

* Indicates contaminants for which multiple CAS numbers may apply. For contaminants listed as a metal and its compounds, the given CAS number refers to the metal.

**For groups of air contaminants, the sum of the maximum theoretical emissions of all air contaminants in the group is used for comparison with the group inclusion level in Table 2. Each air contaminant in the group is listed alphabetically within the table.

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr unless otherwise noted)
Acetaldehyde	2, 3	75−07−0	80.8
Acetamide	2	60−35−5	2,000
Acetic acid	3	64−19−7	1,155
Acetic anhydride	3	108−24−7	982
Acetonitrile	2, 3	75−05−8	2,000
Acetophenone	2	98−86−2	2,000
2−Acetylaminofluorene	2	53−96−3	2,000
Acrolein	2, 3	107−02−8	15
Acrylamide	2, 3	79−06−1	0.137
Acrylic acid	2, 3	79−10−7	17.8
Acrylonitrile	2, 3	107−13−1	2.61
Adipic Acid	3	124−04−9	235
Adiponitrile	3	111−69−3	416
Adriamycin	3	23214−92−8	0.243
Aflatoxins	3	1402−68−2	0.243

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Aldrin	3, 6	309−00−2	11.8
Allyl alcohol	3	107−18−6	55.9
Allyl chloride	2, 3	107−05−1	147
Allyl glycidyl ether	3	106−92−3	220
Aluminum alkyls and soluble salts, as Al	3	7429−90−5*	94.1
Aluminum pyro powders, as A1	3	7429−90−5*	235
o−Aminoazotoluene (2−Aminoazotoluene)	3	97−56−3	0.162
4−Aminobiphenyl	2, 3	92−67−1	0.0296
Amitrole	3, 6	61−82−5	0.658
Ammonia	3	7664−41−7	819
Ammonium perfluorooctanoate	3	3825−26−1	0.471
Aniline	2, 3	62−53−3	358
o−Anisidine and o−anisidine hydrochloride (mixtures and isomers)	2, 3	29191−52−4*	4.44
Antimony & compounds, as Sb	2, 3	7440−36−0*	23.5
Antimony trioxide	3	1309−64−4	3.55
ANTU	3, 6	86−88−4	14.1
Arsenic, elemental and inorganic compounds, as As	2, 3	7440−38−2*	0.0413
Arsine	2, 3	7784−42−1	0.888
Asbestos, all forms	2, 3	1332−21−4*	0.243
Atrazine	3, 6	1912−24−9	235
Azathioprine	3	446−86−6	0.348
Azinphos−methyl	3, 6	86−50−0	9.41
Barium, soluble compounds, as Ba	3	7440−39−3*	23.5
Benomyl	3, 6	17804−35−2	471
Benz(a)anthracene	3	56−55−3	1.62
Benzene	2, 3	71−43−2	22.8
Benzidine	2, 3	92−87−5	0.00265
Benzo(b)fluoranthene	2, 3	205−99−2	0.243
Benzo(j)fluoranthene	3	205−82−3	0.243
Benzo(k)fluoranthene	3	207−08−9	0.243
Benzo(a)pyrene	3	50−32−8	0.162
Benzotrichloride	2, 3	98−07−7	0.243
Benzoyl chloride	3	98−88−4	188
Benzoyl peroxide	3	94−36−0	235
Benzyl acetate	3	140−11−4	2,000
Benzyl chloride	2, 3	100−44−7	244
Beryllium and beryllium compounds, as Be	2, 3	7440−41−7*	0.074
Biphenyl	2, 3	92−52−4	59.4
Bischloroethyl nitrosourea	3	154−93−8	0.243
N,N−Bis (2−chloroethyl)−2−naphthylamine (Chlor-naphazine)	3	494−03−1	0.243
Bis (chloromethyl) ether (BCME) and technical grade	2, 3	542−88−1	0.243
Bis (2−dimethylaminoethyl) ether (DMAEE)	3	3033−62−3	15.4
Bismuth telluride, as Bi2Te3: Se−Doped	3	1304−82−1	235
Borates, tetra, sodium salts, decahydrate	3	1303−96−4*	235
Borates, tetra, sodium salts, pentahydrate	3	1303−96−4*	47.1
Boron tribromide	3	10294−33−4	670
Boron trifluoride	3	7637−07−2	181
Bromacil	3, 6	314−40−9	471
Bromine	3	7726−95−6	30.8
Bromine pentafluoride	3	7789−30−2	33.7

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Bromodichloromethane	3	75−27−4	4.8
Bromoform	2, 3	75−25−2	243
1,3−Butadiene	2, 3	106−99−0	0.635
2−Butoxyethanol (Ethylene glycol monobutyl ether; EGBE; butyl cellosolve)	3	111−76−2	2,000
n−butyl alcohol (n−Butanol)	3	71−36−3	2,000
n−Butyl acrylate	3	141−32−2	493
n−Butylamine	3	109−73−9	978
Butylated hydroxyanisole (BHA)	3	25013−16−5	2,000
tert−Butyl chromate, as Cr	2, 3	1189−85−1	0.0148
n−Butyl glycidyl ether (BGE)	3	2426−08−6	2,000
n−Butyl lactate	3	138−22−7	1,407
o−sec−Butylphenol	3	89−72−5	1,446
p−tert−Butyltoluene	3	98−51−1	285
C. I. Basic Red 9 monohydrochloride	3	569−61−9	2.5
Cadmium and cadmium compounds, as Cd	2, 3	7440−43−9*	0.0987
Calcium cyanamide	2, 3	156−62−7	23.5
Calcium hydroxide	3	1305−62−0	235
Calcium oxide	3	1305−78−8	94.1
Camphor (synthetic)	3	76−22−2	586
Caprolactam (aerosol and vapor)	3	105−60−2	1,089
Captafol	3, 6	2425−06−1	4.71
Captan	2, 3, 6	133−06−2	235
Carbaryl	2, 3, 6	63−25−2	235
Carbofuran	3, 6	1563−66−2	4.71
Carbon monoxide	1	630−08−0	2,000
Carbon black	3	1333−86−4	165
Carbon disulfide	2, 3	75−15−0	1,465
Carbon tetrabromide	3	558−13−4	63.8
Carbon tetrachloride	2, 3, 5	56−23−5	11.8
Carbonyl fluoride	3	353−50−4	254
Carbonyl sulfide	2	463−58−1	2,000
Catechol (Pyrocatechol)	2, 3	120−80−9	1,060
Refractory Ceramic Fibers (respirable size)	3	*	0.243
Cesium hydroxide	3	21351−79−1	94.1
Chloramben	2	133−90−4	2,000
Chlorambucil	3	305−03−3	0.00137
Chlordane	2, 3, 6	57−74−9	23.5
Chlorendic acid	3	115−28−6	6.83
Chlorinated camphene (Toxaphene)	2, 3, 6	8001−35−2	0.555
Chlorinated diphenyl oxide	3	55720−99−5	23.5
Chlorinated paraffins (C12; 60% chlorine)	3	108171−26−2*	7.11
Chlorine	2, 3	7782−50−5	68.2
Chlorine dioxide	3	10049−04−4	13
Chlorine trifluoride	3	7790−91−2	24.7
Chloroacetic acid	2	79−11−8	2,000
2−Chloroacetophenone	2, 3	532−27−4	14.9
Chlorobenzene (Monochlorobenzene)	2, 3	108−90−7	2,000
Chlorobenzilate	2	510−15−6	2,000
o− Chlorobenzylidene malononitrile	3	2698−41−1	25.2
1−Chloro−1,1−difluoroethane (Hydrochlorofluorocarbon−142b; HCFC−142b; R−142b)	3, 5	75−68−3	2,000

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Chlorodifluoromethane (Hydrochlorofluorocarbon−22; HCFC−22; R−22)	3, 5	75−45−6	2,000
1− (2−Chloroethyl) −3−cyclohexyl−1−nitrosourea (CCNU)	3	13010−47−4	0.243
Chlorofluorocarbon−11 (CFC−11, R−11, Trichloro-fluoromethane)	5	75−69−4	2,000
Chlorofluorocarbon−111 (CFC−111)	5	954−56−3	2,000
Chlorofluorocarbon−112 (CFC−112)	5	76−12−0	2,000
Chlorofluorocarbon−113 (CFC−113, R−113, Trichloro-trifluoroethane)	5	76−13−1	2,000
Chlorofluorocarbon−114 (CFC−114, R−114, Dichloro-tetrafluoroethane)	5	76−14−2	2,000
Chlorofluorocarbon−115 (CFC−115, R−115, Mono-chloropentafluoroethane)	5	76−15−3	2,000
Chlorofluorocarbon−12 (CFC−12, R−12, Dichlorodi-fluoromethane)	5	75−71−8	2,000
Chlorofluorocarbon−13 (CFC−13, R−13, Chlorotri-fluoromethane)	5	75−72−9	2,000
Chlorofluorocarbon−211 (CFC−211, R−211)	5	422−78−6	2,000
Chlorofluorocarbon−212 (CFC−212, R−212)	5	3182−26−1	2,000
Chlorofluorocarbon−213 (CFC−213, R−213)	5	165−97−7	2,000
Chlorofluorocarbon−214 (CFC−214, R−214)	5	29255−31−0	2,000
Chlorofluorocarbon−215 (CFC−215, R−215)	5	4259−43−2	2,000
Chlorofluorocarbon−216 (CFC−216, R−216)	5	661−97−2	2,000
Chlorofluorocarbon−217 (CFC−217, R−217)	5	422−86−6	2,000
Chloroform	2, 3	67−66−3	7.73
Chloromethyl methyl ether (CMME)	2, 3	107−30−2	0.243
1−Chloro−1−nitropropane	3, 6	600−25−9	476
Chloropicrin (Trichloronitromethane)	3, 6	76−06−2	31.6
beta−Chloroprene	2, 3	126−99−8	0.243
o−Chlorostyrene	3	2039−87−4	2,000
o−Chlorotoluene	3	95−49−8	2,000
Chlorpyrifos	3, 6	2921−88−2	9.41
Chromium (metal) and compounds other than Chro-mium (VI)	2, 3	7440−47−3*	23.5
Chromium (VI): Chromic acid mists and dissolved Cr (VI) aerosols, as Cr	2, 3	7440−47−3*	0.0148
Chromium (VI): compounds and particulates	2, 3	7440−47−3*	0.0148
Chromyl chloride, as Cr	2, 3	14977−61−8	0.0148
Cobalt, elemental, and inorganic compounds, as Co	2, 3	7440−48−4*	0.941
Coke oven emissions	2, 3	*	0.287
Copper and compounds, dust & mists, as Cu	3	7440−50−8*	47.1
Copper and compounds, fume, as Cu	3	7440−50−8*	9.41
p−Cresidine	3	120−71−8	4.13
Cresol (mixtures and isomers)	2, 3	1319−77−3*	1,041
Crotonaldehyde	3	4170−30−3*	56.3
Crufomate	3, 6	299−86−5	235
Cumene (Isopropyl benzene)	2, 3	98−82−8	2,000
Cyanamide	3	420−04−2	94.1
Cyanides, (inorganics), as CN	2, 3	143−33−9*	327
Cyanogen	3	460−19−5	1,002
Cyanogen chloride	3	506−77−4	49.3
Cyclohexanol	3	108−93−0	2,000

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Cyclohexanone	3	108−94−1	2,000
Cyclohexylamine	3	108−91−8	1,909
Cyclonite	3	121−82−4	23.5
Cyclopentadiene	3	542−92−7	2,000
Cyclophosphamide	3	50−18−0	1.05
Cyhexatin	3, 6	13121−70−5	235
2,4−D, salts and esters	2	94−75−7*	2,000
Dacarbazine	3	4342−03−4	0.0127
DDE	2	72−55−9	2,000
Demeton	3, 6	8065−48−3	4.97
Diacetone alcohol	3	123−42−2	2,000
2,4−Diaminoanisole sulfate	3	39156−41−7	48
2,4−Diaminotoluene (Toluene−2,4−diamine)	2, 3	95−80−7*	0.162
Diazinon	3, 6	333−41−5	4.71
Diazomethane	2, 3	334−88−3	16.2
Dibenz(a,h)acridine	2, 3	226−36−8	1.62
Dibenz(a,j)acridine	2, 3	224−42−0	1.62
Dibenz(a,h)anthracene	2, 3	53−70−3	0.148
7H−Dibenzo(c,g)carbazole	2, 3	194−59−2	0.162
Dibenzofurans	2	132−64−9	2,000
Dibenzo(a,e)pyrene	2, 3	192−65−4	0.162
Dibenzo(a,h)pyrene	2, 3	189−64−0	0.0162
Dibenzo(a,i)pyrene	2, 3	189−55−9	0.0162
Dibenzo(a,l)pyrene	2, 3	191−30−0	0.0162
Diborane	3	19287−45−7	5.33
1,2−Dibromo−3−chloropropane (DBCP)	2, 3	96−12−8	0.0935
1,2−Dibromoethane (Ethylene dibromide; EDB)	2, 3	106−93−4	0.808
2−N−Dibutylaminoethanol	3	102−81−8	167
Dibutylphenyl phosphate	3	2528−36−1	165
Dibutyl phthalate (Di−n−butyl phthalate)	2, 3	84−74−2	235
o−Dichlorobenzene (1,2−Dichlorobenzene)	3	95−50−1	2,000
p−Dichlorobenzene (1,4−Dichlorobenzene)	2, 3	106−46−7	16.2
3,3'−Dichlorobenzidine	2, 3	91−94−1	0.523
1,3−Dichloro−5,5−dimethyl hydantoin	3	118−52−5	9.41
Dichlorodiphenyltrichloroethane (DDT)	3	50−29−3	1.83
1,1−Dichloroethane (Ethylidene dichloride)	2, 3	75−34−3	2,000
1,2−Dichloroethane (Ethylene dichloride; EDC)	2, 3	107−06−2	6.83
Dichloroethyl ether (Bis(2−chloroethyl)ether)	2, 3	111−44−4	1,376
1,2−Dichloroethylene	3	540−59−0	2,000
1,1−Dichloro−1−nitroethane	3	594−72−9	554
1,3−Dichloropropene	2, 3, 6	542−75−6	44.4
2,2−Dichloropropionic acid	3, 6	75−99−0	235
Dichlorvos	2, 3, 6	62−73−7	8.88
Dicrotophos	3, 6	141−66−2	11.8
Dicyclopentadiene	3	77−73−6	1,272
Dieldrin	3, 6	60−57−1	11.8
Diethanolamine	2, 3	111−42−2	94.1
Diethylamine	3	109−89−7	704
2−Diethylaminoethanol	3	100−37−8	451
Diethylene triamine	3	111−40−0	199
Diethyl hexyl phthalate (Bis(2−ethyl hexyl) phthalate; Di−sec−octyl phthalate; DEHP)	2, 3	117−81−7	235

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Diethyl phthalate	3	84−66−2	235
Diethylstilbestrol (DES)	3	56−53−1	0.00178
Diethyl sulfate	2, 3	64−67−5	0.243
1,1−Difluoroethane	3	75−37−6	2,000
Diglycidyl ether (DGE)	3	2238−07−5	25
Diglycidyl resorcinol ether	3	101−90−6	0.363
1,8−Dihydroxyanthroquinone (Danthron)	3	117−10−2	8.08
Diisobutyl ketone	3	108−83−8	2,000
Diisopropylamine	3	108−18−9	974
N,N−Dimethyl acetamide	3	127−19−5	1,677
Dimethylamine	3	124−40−3	434
4−Dimethylaminoazobenzene	2, 3	60−11−7	0.137
Dimethylaniline (N,N−Dimethylaniline)	2, 3	121−69−7	1,166
3,3′−Dimethylbenzidine (o−Tolidine)	2, 3	119−93−7	0.243
Dimethyl carbamoyl chloride	2, 3	79−44−7	0.048
Dimethylethoxysilane	3	14857−34−2	100
N,N−Dimethylformamide	2, 3	68−12−2	533
1,1−Dimethylhydrazine	2, 3	57−14−7	0.243
Dimethylphthalate	2, 3	131−11−3	235
Dimethyl sulfate	2, 3	77−78−1	0.243
Dinitolmide	3	148−01−6	235
Dinitrobenzene (mixtures and isomers)	3	528−29−0*	48.5
Dinitro−o−cresol (4,6−Dinitro−o−cresol)	2, 3, 6	534−52−1	9.41
2,4−Dinitrophenol	2	51−28−5	2,000
Dinitrotoluene (mixtures and isomers)	2, 3	25321−14−6*	9.41
1,4−Dioxane (1,4−Diethylene oxide)	2, 3	123−91−1	23.1
Dioxathion	3, 6	78−34−2	9.41
Diquat, respirable dust (various compounds) (Diquat dibromide)	3, 6	2764−72−9*	4.71
Diquat, total dust (various compounds) (Diquat dibromide)	3, 6	2764−72−9*	23.5
Direct black 38 (Benzidine−based dye)	3	1937−37−7	0.0846
Direct blue 6 (Benzidine−based dye)	3	2602−46−2	0.0846
Disperse Blue 1	3	2475−45−8	137
Disulfiram	3	97−77−8	94.1
Disulfoton	3, 6	298−04−4	4.71
Divinyl benzene (mixtures and isomers)	3	1321−74−0*	2,000
Endosulfan	3, 6	115−29−7	4.71
Endrin	3, 6	72−20−8	4.71
Epichlorohydrin (1−Chloro−2,3−epoxypropane)	2, 3	106−89−8	17.8
EPN	3, 6	2104−64−5	4.71
1,2−Epoxybutane (1,2−Butylene oxide)	2, 3	106−88−7	355
Ethanolamine	3	141−43−5	353
Ethion	3, 6	563−12−2	18.8
2−Ethoxyethanol (Ethylene glycol monoethyl ether; EGEE; cellosolve)	3	110−80−5	867
2−Ethoxyethyl acetate (Ethylene glycol monoethyl ether acetate; EGEEA; cellosolve acetate)	3	111−15−9	1,272
Ethyl acrylate	2, 3	140−88−5	963
Ethylamine (Ethanamine)	3	75−04−7	434
Ethyl amyl ketone	3	541−85−5	2,000
Ethyl benzene	2, 3	100−41−4	2,000

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Ethyl bromide	3	74−96−4	1,049
Ethyl tert−butyl ether (ETBE)	3	637−92−3	983
Ethyl butyl ketone	3	106−35−4	2,000
Ethyl chloride (Chloroethane)	2, 3	75−00−3	2,000
Ethyl cyanoacrylate	3	7085−85−0	48.2
Ethylene chlorohydrin	3	107−07−3	215
Ethylenediamine	3	107−15−3	1,157
Ethylene glycol vapor and aerosol	2, 3	107−21−1	2,000
Ethylene oxide	2, 3	75−21−8	2.02
Ethylene thiourea	2, 3	96−45−7	13.7
Ethylenimine (Aziridine)	2, 3	151−56−4	41.5
Ethylidene norbornene	3	16219−75−3	1,608
N−Ethylmorpholine	3	100−74−3	1,108
Ethyl silicate	3	78−10−4	2,000
Fenamiphos	3	22224−92−6	4.71
Fensulfothion	3, 6	115−90−2	4.71
Fenthion	3, 6	55−38−9	9.41
Fine mineral fibers (includes mineral fiber emissions from facilities manufacturing or processing glass, rock or slag fibers, or other mineral derived fibers, of average diameter 1 micrometer or less)	2	*	2,000
Flour Dust (inhalable fraction)	3	*	23.5
Fluorides, (inorganics), as F	3	*	118
Fluorine	3	7782−41−4	73.1
Fonofos	3, 6	944−22−9	4.71
Formaldehyde	2, 3	50−00−0	13.7
Formamide	3	75−12−7	867
Formic acid	3	64−18−6	443
Furan	3	110−00−9	0.243
Furfural	3	98−01−1	370
Furfuryl alcohol	3	98−00−0	1,888
Germanium tetrahydride	3	7782−65−2	29.5
Glutaraldehyde	3	111−30−8	13.4
Glycidol	3	556−52−5	0.243
Glycol ethers[8]	2	*	2,000
Graphite (all forms except graphite fiber)	3	7782−42−5*	94.1
Greenhouse gases	10	*	10,000 tpy on a carbon dioxide equivalent basis[9]
Halon−1211 (bromochlorodifluoromethane)	5	353−59−3	2,000
Halon−1301 (bromotrifluoromethane)	5	75−63−8	2,000
Halon−2402 (dibromotetrafluoroethane)	5	124−73−2	2,000
Heptachlor and heptachlor epoxide	2, 3, 6	76−44−8	2.35
Hexachlorobenzene (HCB)	2, 3	118−74−1	0.0941
Hexachlorobutadiene	2, 3, 6	87−68−3	10
Hexachlorocyclopentadiene	2, 3, 6	77−47−4	5.25
Hexachloroethane	2	67−72−1	44.4
Hexachloronaphthalene	3	1335−87−1	9.41
Hexamethyl phosphoramide	2, 3	680−31−9	0.243
Hexamethylene−1,6−diisocyanate (HDI)	2, 3	822−06−0	0.178
n−Hexane	2, 3	110−54−3	2,000
1,6− Hexanediamine	3	124−09−4	112
1−Hexene	3	592−41−6	2,000
sec−Hexyl acetate	3	108−84−9	2,000

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Hexylene glycol	3	107−41−5	2,000
Hydrazine and hydrazine sulfate	2, 3	302−01−2*	0.0363
Hydrochlorofluorocarbon−121 (HCFC−121)	5	*	2,000
Hydrochlorofluorocarbon−122 (HCFC−122)	5	*	2,000
Hydrochlorofluorocarbon−123 (HCFC−123; R−123)	5	306−83−2*	2,000
Hydrochlorofluorocarbon−124 (HCFC−124; R−124)	5	63938−10−3*	2,000
Hydrochlorofluorocarbon−131 (HCFC−131)	5	*	2,000
Hydrochlorofluorocarbon−132b (HCFC−132b)	5	1649−08−7	2,000
Hydrochlorofluorocarbon−133a (HCFC−133a)	5	75−88−7	2,000
Hydrochlorofluorocarbon−141b (HCFC−141b; R−141b)	5	1717−00−6	2,000
Hydrochlorofluorocarbon−21 (HCFC−21; Dichloro-fluoromethane)	5	75−43−4	2,000
Hydrochlorofluorocarbon−221 (HCFC−221)	5	*	2,000
Hydrochlorofluorocarbon−222 (HCFC−222)	5	*	2,000
Hydrochlorofluorocarbon−223 (HCFC−223)	5	*	2,000
Hydrochlorofluorocarbon−224 (HCFC−224)	5	*	2,000
Hydrochlorofluorocarbon−225ca (HCFC−225ca)	5	422−56−0	2,000
Hydrochlorofluorocarbon−225cb (HCFC−225cb)	5	507−55−1	2,000
Hydrochlorofluorocarbon−226 (HCFC−226)	5	*	2,000
Hydrochlorofluorocarbon−231 (HCFC−231)	5	*	2,000
Hydrochlorofluorocarbon−232 (HCFC−232)	5	*	2,000
Hydrochlorofluorocarbon−233 (HCFC−233)	5	*	2,000
Hydrochlorofluorocarbon−234 (HCFC−234)	5	*	2,000
Hydrochlorofluorocarbon−235 (HCFC−235)	5	*	2,000
Hydrochlorofluorocarbon−241 (HCFC−241)	5	*	2,000
Hydrochlorofluorocarbon−242 (HCFC−242)	5	*	2,000
Hydrochlorofluorocarbon−243 (HCFC−243)	5	*	2,000
Hydrochlorofluorocarbon−244 (HCFC−244)	5	*	2,000
Hydrochlorofluorocarbon−251 (HCFC−251)	5	*	2,000
Hydrochlorofluorocarbon−252 (HCFC−252)	5	*	2,000
Hydrochlorofluorocarbon−253 (HCFC−253)	5	*	2,000
Hydrochlorofluorocarbon−261 (HCFC−261)	5	*	2,000
Hydrochlorofluorocarbon−262 (HCFC−262)	5	*	2,000
Hydrochlorofluorocarbon−271 (HCFC−271)	5	*	2,000
Hydrochlorofluorocarbon−31 (HCFC−31; R−31; Chlorofluoromethane)	5	593−70−4	2,000
Hydrogenated terphenyls	3	61788−32−7	232
Hydrogen bromide	3	10035−10−6	649
Hydrogen chloride (Hydrochloric acid; Muriatic acid)	2, 3, 4	7647−01−0	355
Hydrogen cyanide	2, 3	74−90−8	340
Hydrogen fluoride (Hydrofluoric acid)	2, 3	7664−39−3	161
Hydrogen peroxide	3	7722−84−1	65.5
Hydrogen sulfide	3	7783−06−4	656
Hydroquinone	2, 3	123−31−9	94.1
2−Hydroxypropyl acrylate	3	999−61−1	125
Indeno(1,2,3−cd)pyrene	2, 3	193−39−5	1.62
Indium	3	7440−74−6	4.71
Iodine	3	7553−56−2	67.9
Iron dextran complex	3	9004−66−4	0.243
Iron oxide dust and fume, as Fe	3	1309−37−1*	235
Iron salts, soluble, as Fe	3	*	47.1
Isobutyl alcohol	3	78−83−1	2,000

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Isooctyl alcohol	3	26952−21−6	2,000
Isophorone	2, 3	78−59−1	1,849
Isophorone diisocyanate	3	4098−71−9	2.14
Isoprene	3	78−79−5	0.243
2−Isopropoxyethanol	3	109−59−1	2,000
Isopropylamine	3	75−31−0	569
Isopropyl glycidyl ether	3	4016−14−2	2,000
N−Isopropylaniline	3	768−52−5	520
Kaolin	3	1332−58−7	94.1
Kepone (Chlordecone)	3	143−50−0	0.0386
Ketene	3	463−51−4	40.5
Lead Acetate, as Pb	3	301−04−2	2.22
Lead compounds	2	7439−92−1*	2,000
Lead Phosphate, as Pb	3	7446−27−7	14.8
Lindane and other hexachlorocyclohexane isomers	2, 3	58−89−9*	0.573
Maleic anhydride	2, 3	108−31−6	18.9
Manganese, elemental and inorganic compounds, as Mn	2, 3	7439−96−5*	9.41
Melphalan	3	148−82−3	0.0048
Mercury, as Hg, alkyl compounds	2, 3	7439−97−6*	0.471
Mercury, as Hg, aryl compounds	2, 3	7439−97−6*	4.71
Mercury, as Hg, inorganic forms including metallic mercury	2, 3	7439−97−6*	1.18
Mesityl oxide	3	141−79−7	2,000
Mestranol	3	72−33−3	0.243
Methacrylic acid	3	79−41−4	2,000
Methanol	2	67−56−1	2,000
Methomyl	3, 6	16752−77−5	118
Methoxychlor	2	72−43−5	2,000
2−Methoxyethanol (Methyl Cellosolve; EGME)	3	109−86−4	732
2−Methoxyethyl acetate (MethylCellosolve acetate; EGMEA)	3	110−49−6	1,137
4−Methoxyphenol	3	150−76−5	235
Methyl chloroform (1,1,1−Trichloroethane; TCA)	2	71−55−6	2,000
Methyl ethyl ketone (2−Butanone; MEK)	2	78−93−3	2,000
Methyl acrylate	3	96−33−3	331
Methylacrylonitrile	3	126−98−7	129
Methylamine	3	74−89−5	299
Methyl n−amyl ketone	3	110−43−0	2,000
N−Methyl aniline	3	100−61−8	103
Methyl bromide (Bromomethane)	2, 3, 6	74−83−9	88.8
Methyl n−butyl ketone	3	591−78−6	964
Methyl chloride (Chloromethane)	2, 3	74−87−3	2,000
5−Methyl chrysene	3	3697−24−3	0.162
Methyl 2−cyanoacrylate	3	137−05−3	42.8
Methylcyclohexanol	3	25639−42−3	2,000
o−Methylcyclohexanone	3	583−60−8	2,000
Methyl demeton	3, 6	8022−00−2	23.5
Methylene bisphenyl isocyanate (Methylene diphenyl isocyanate; MDI)	2, 3	101−68−8	2.41
Methylene chloride (Dichloromethane)	2, 3	75−09−2	378
4,4′−Methylene bis(2−chloroaniline) (MOCA)	2, 3	101−14−4	0.413
Methylene bis(4−cyclohexylisocyanate)	3	5124−30−1	2.52

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
4,4′−Methylenedianiline (and dihydrochloride)	2, 3	101−77−9*	0.386
Methyl ethyl ketone peroxide	3	1338−23−4	94.3
Methyl formate	3	107−31−3	2,000
Methyl hydrazine	2, 3	60−34−4	0.887
Methyl iodide (Iodomethane)	2, 3	74−88−4	546
Methyl isoamyl ketone	3	110−12−3	2,000
Methyl isobutyl carbinol	3	108−11−2	2,000
Methyl isobutyl ketone (MIBK; Hexone)	2, 3	108−10−1	2,000
Methyl isocyanate	2, 3	624−83−9	2.2
Methyl methacrylate	2, 3	80−62−6	2,000
N−Methyl−N'−nitro−N−nitrosoguanidine (MNNG)	3	70−25−7	0.074
Methyl parathion	3, 6	298−00−0	9.41
alpha−Methyl styrene	3	98−83−9	2,000
Methyl tert−butyl ether (MTBE)	2, 3	1634−04−4	2,000
Metribuzin	3	21087−64−9	235
Mevinphos (Phosdrin)	3, 6	7786−34−7	4.23
Mirex	3	2385−85−5	0.0348
Molybdenum, as Mo, metal and insoluble compounds	3	7439−98−7*	471
Molybdenum, as Mo, soluble compounds	3	7439−98−7*	235
Monocrotophos	3, 6	6923−22−4	11.8
Morpholine	3	110−91−8	2,000
Mustard gas	3	505−60−2	0.243
Myleran (1,4−Butanediol dimethanesulphonate; Busulphan)	3	55−98−1	0.243
Naled	3, 6	300−76−5	141
Naphthalene	2, 3	91−20−3	2,000
2−Naphthylamine	3	91−59−8	0.243
Nickel and compounds, as Ni	2, 3	7440−02−0*	0.683
Nickel carbonyl, as Ni	3	13463−39−3	0.683
Nickel subsulfide, as Ni	2, 3	12035−72−2	.37
Nitric acid	3	7697−37−2	243
Nitrilotriacetic acid	3	139−13−9	118
p−Nitroaniline	3	100−01−6	141
Nitrobenzene	2, 3	98−95−3	237
4−Nitrobiphenyl	2	92−93−3	2,000
p−Nitrochlorobenzene	3	100−00−5	30.3
Nitroethane	3	79−24−3	2,000
Nitrogen mustards (2,2′−Dichloro−N−methyldiethylamine)	3	51−75−2	0.243
Nitrogen oxides	1, 4	*	2,000
Nitromethane	3	75−52−5	2,000
4−Nitrophenol	2	100−02−7	2,000
1−Nitropropane	3	108−03−2	2,000
2−Nitropropane	2, 3	79−46−9	0.243
1−Nitropyrene	3	5522−43−0	1.62
N−Nitrosodi−n−butylamine	3	924−16−3	0.111
N−Nitrosodiethanolamine	3	1116−54−7	0.222
N−Nitrosodiethylamine	3	55−18−5	0.00413
N−Nitrosodimethylamine	2, 3	62−75−9	0.0127
N−Nitrosodi−n−propylamine	3	621−64−7	0.0888
N−Nitroso−N−ethylurea	3	759−73−9	0.0231
N−Nitroso−N−methylurea	2, 3	684−93−5	0.00523

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
N−Nitrosomethylvinylamine	3	4549−40−0	0.243
N−Nitrosomorpholine	2, 3	59−89−2	0.0935
N′−Nitrosonornicotine	3	16543−55−8	0.243
N−Nitrosopiperidine	3	100−75−4	0.0658
N−Nitrosopyrrolidine	3	930−55−2	0.291
N−Nitrososarcosine	3	13256−22−9	0.243
Nitrotoluene (mixtures and isomers)	3	88−72−2*	528
Nitrous oxide	3	10024−97−2	2,000
Octachloronaphthalene	3	2234−13−1	4.71
Oestradiol (Estradiol)	3	50−28−2	0.0162
Oxalic acid	3	144−62−7	47.1
P,p'−Oxybis(benzenesulfonyl hydrazide)	3	80−51−3	4.71
Paraquat (respirable sizes) (Paraquat chloride)	3, 6	1910−42−5*	4.71
Parathion	2, 3, 6	56−38−2	4.71
Particulate matter	4	*	2,000
Pentachloronaphthalene	3	1321−64−8	23.5
Pentachloronitrobenzene (Quintobenzene; PCNB)	2, 3	82−68−8	23.5
Pentachlorophenol (PCP)	2, 3	87−86−5	23.5
Pentyl Acetate (mixtures and isomers)	3	628−63−7*	2,000
Perchloroethylene (Tetrachloroethylene)	2, 3	127−18−4	30.1
Perchloromethyl mercaptan	3	594−42−3	35.8
Perfluoroisobutylene	3	382−21−8	5.35
Persulfates (Ammonium, Potassium, Sodium)	3	7727−54−0*	4.71
Phenazopyridine and phenazopyridine hydrochloride	3	136−40−3*	3.63
Phenol	2, 3	108−95−2	906
Phenolphthalein	3	77−09−8	0.243
Phenothiazine	3, 6	92−84−2	235
Phenylenediamine (mixtures and isomers)	2, 3	106−50−3*	4.71
Phenyl ether vapor	3	101−84−8	328
Phenyl glycidyl ether (PGE)	3	122−60−1	28.9
Phenylhydrazine	3	100−63−0	20.8
Phenyl mercaptan	3	108−98−5	106
Phenytoin and sodium salt of phenytoin	3	57−41−0*	0.243
Phorate	3, 6	298−02−2	2.35
Phosgene	2, 3	75−44−5	19
Phosphine	2, 3	7803−51−2	19.6
Phosphoric acid	3	7664−38−2	47.1
Phosphorus (yellow)	2, 3	7723−14−0	4.77
Phosphorus oxychloride	3	10025−87−3	29.5
Phosphorus pentachloride	3	10026−13−8	40.1
Phosphorus pentasulfide	3	1314−80−3	47.1
Phosphorus trichloride	3	7719−12−2	52.9
Phthalic anhydride	2, 3	85−44−9	285
Picric acid	3	88−89−1	4.71
Pindone	3, 6	83−26−1	4.71
Platinum (metal)	3	7440−06−4	47.1
Platinum, soluble salts, as Pt	3	7440−06−4*	0.0941
PM10	1, 4	*	2,000
Polybrominated biphenyls (PBBs; Bromodiphenyls)	3	59536−65−1*	0.0207
Polychlorinated biphenyls (PCBs; Chlorodiphenyls; Arochlor)	2, 3	1336−36−3	0.01
Potassium hydroxide	3	1310−58−3	131

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Procarbazine and procarbazine hydrochloride	3	366−70−1*	0.0444
1,3−Propane sultone	2, 3	1120−71−4	0.258
Propargyl alcohol	3	107−19−7	108
beta−Propiolactone	2, 3	57−57−8	0.0444
Propionaldehyde	2	123−38−6	2,000
Propionic acid	3	79−09−4	1,426
Propoxur (Baygon)	2, 3, 6	114−26−1	23.5
Propylene dichloride (1,2−Dichloropropane)	2, 3	78−87−5	71.1
Propylene glycol monomethyl ether (PGME)	3	107−98−2	2,000
Propylenimine (2−Methyl aziridine; propylene imine)	2, 3	75−55−8	0.243
Propylene oxide	2, 3	75−56−9	48
Propylthiouracil	3	51−52−5	0.613
Pyrethrum	3, 6	8003−34−7	235
Pyridine	3	110−86−1	675
Quinoline	2	91−22−5	2,000
Quinone	2, 3, 6	106−51−4	20.8
Resorcinol	3	108−46−3	2,000
Rhodium (metal) and insoluble compounds, as Rh	3	7440−16−6*	47.1
Rhodium, soluble compounds, as Rh	3	7440−16−6*	0.471
Rotenone (commercial)	3, 6	83−79−4	235
Safrole	3	94−59−7	2.82
Selenium and compounds, as Se	2, 3	7782−49−2*	9.41
Silicon tetrahydride (Silane)	3	7803−62−5	309
Sodium Azide, as sodium azide or hydrazoic acid vapor	3	26628−22−8*	19.1
Sodium bisulfite	3	7631−90−5	235
Sodium fluoroacetate	3, 6	62−74−8	2.35
Sodium hydroxide	3	1310−73−2	131
Sodium metabisulfite	3	7681−57−4	235
Stibine (Antimony hydride)	3, 6	7803−52−3	24
Stoddard solvent (Mineral spirits)	3	8052−41−3	2,000
Streptozotocin	3	18883−66−4	0.00573
Strong inorganic acid mists containing sulfuric acid (>35% by weight)	3	7664−93−9	0.243
Strychnine	3, 6	57−24−9	7.06
Styrene oxide	2	96−09−3	2,000
Styrene, monomer	2, 3	100−42−5	2,000
Sulfometuron methyl	3	74222−97−2	235
Sulfotep (TEDP)	3, 6	3689−24−5	9.41
Sulfur dioxide	1, 4	7446−09−5	2,000
Sulfur monochloride	3	10025−67−9	361
Sulfur tetrafluoride	3	7783−60−0	28.9
Sulfuryl fluoride	3, 6	2699−79−8	982
Sulprofos	3	35400−43−2	47.1
Talc, containing no asbestos fibers	3	14807−96−6	94.1
Tantalum, metal and oxide dusts, as Ta	3	7440−25−7*	235
Tellurium and compounds, except hydrogen telluride, as Te	3	13494−80−9*	4.71
TEPP	3, 6	107−49−3	2.35
Terphenyls	3	26140−60−3	327
2,3,7,8−Tetrachlorodibenzo−p−dioxin (Dioxin; 2,3,7,8−TCDD), as dioxin equivalents	2, 3, 4	1746−01−6	0.00001
1,1,2,2−Tetrachloroethane	2, 3	79−34−5	323

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Tetrachloronaphthalene	3	1335−88−2	94.1
1,1,1,2−Tetrafluoroethane	3	811−97−2	2,000
Tetrafluoroethylene	3	116−14−3	0.243
Tetrahydrofuran	3	109−99−9	2,000
Tetranitromethane	3	509−14−8	0.243
Thallium, elemental and soluble compounds, as Tl	3	7440−28−0*	4.71
Thionyl chloride	3	7719−09−7	318
Thiourea	3	62−56−6	8.46
Thiram	3, 6	137−26−8	47.1
Tin organic compounds, as Sn	3	7440−31−5*	4.71
Tin, metal, oxides and inorganic compounds, except tin hydride, as Sn	3	7440−31−5*	94.1
Titanium tetrachloride	2	7550−45−0	2,000
Toluene (Toluol)	2, 3	108−88−3	2,000
2,4−/2,6−Toluene diisocyanate (mixtures and isomers) (TDI)	2, 3	584−84−9*	1.24
m− and p−Toluidine	3	108−44−1	412
o−Toluidine and o−toluidine hydrochloride and mixed isomers	2, 3	95−53−4*	3.48
Total reduced sulfur and reduced sulfur compounds	4	*	2,000
Tributyl phosphate	3	126−73−8	103
1,2,4−Trichlorobenzene	2, 3	120−82−1	2,000
1,1,2−Trichloroethane	2, 3	79−00−5	2,000
Trichloroethylene (Trichloroethene)	2, 3	79−01−6	88.8
Trichloronaphthalene	3	1321−65−9	235
2,4,5−Trichlorophenol	2	95−95−4	2,000
2,4,6−Trichlorophenol	2, 3	88−06−2	57.3
1,2,3−Trichloropropane	3	96−18−4	0.243
Triethanolamine	3	102−71−6	235
Triethylamine	2	121−44−8	195
Trifluralin	2	1582−09−8	2,000
1,3,5−Triglycidyl−s−triazinetrione	3	2451−62−9	2.35
Trimellitic anhydride	3	552−30−7	2.62
Trimethyl benzene (mixtures and isomers)	3	25551−13−7*	2,000
Trimethylamine	3	75−50−3	569
2,2,4−Trimethylpentane	2	540−84−1	2,000
2,4,6−Trinitrotoluene (TNT)	3	118−96−7	4.71
Triorthocresyl phosphate	3	78−30−8	4.71
Triphenyl phosphate	3	115−86−6	141
Tris(1−aziridinyl)phosphine sulfide (Thiotepa)	3	52−24−4	0.0523
Tris(2,3−dibromopropyl phosphate)	3	126−72−7	0.269
Tungsten − as W, metal and insoluble compounds	3	7440−33−7*	235
Tungsten − as W, soluble compounds	3	7440−33−7*	47.1
Uranium (natural), soluble & insoluble compounds, as U	3	7440−61−1*	9.41
Urethane (Ethyl carbamate)	2, 3	51−79−6	0.613
n−Valeraldehyde	3	110−62−3	2,000
Vanadium pentoxide, as V205, respirable dust and fume	3	1314−62−1	2.35
Vinyl acetate	2, 3	108−05−4	1,657
Vinyl bromide	2	593−60−2	103
Vinyl chloride	2, 3	75−01−4	20.2
Vinyl cyclohexene dioxide (4−vinyl−1−cyclohexene diepoxide)	3	106−87−6	0.243

Table 3 (Continued)
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
4−Vinyl cyclohexene	3	100−40−3	20.8
Vinyl fluoride	3	75−02−5	88.6
Vinylidene chloride (1,1−Dichloroethylene)	2, 3	75−35−4	933
Vinyl toluene	3	25013−15−4	2,000
Volatile organic compounds (Reactive organic gases)	1	*	2,000
Warfarin	3, 6	81−81−2	4.71
Xylene (mixtures and isomers) (Xylol; Dimethyl Benzene)	2, 3	1330−20−7*	2,000
m−Xylene−alpha,alpha'−diamine	3	1477−55−0	6.54
Xylidine (mixtures and isomers)	3	1300−73−8*	117
Yttrium metal and compounds, as Y	3	7440−65−5*	47.1
Zeolites (Erionite)	3	66733−21−9	0.243
Zirconium and compounds, as Zr	3	7440−67−7*	235

[1] Criteria pollutant or criteria pollutant precursor.

[2] Federal hazardous air pollutant listed under section 112(b) of the Act.

[3] State hazardous air pollutant.

[4] Federal New Source Performance Standard.

[5] Stratospheric ozone depleting substance.

[6] Pesticides, rodenticides, insecticides, herbicides and fungicides.

[7] The Chemical Abstract Service or CAS numbers refer to the unique chemical abstracts service registry number assigned to a specific chemical, isomer or mixture of chemicals or isomers and recorded in the CAS chemical registry system by the Chemical Abstracts Service, PO Box 3012, Columbus OH 42310, phone 1−614−447−3600.

[8] Glycol ethers include mono− and di−ethers of ethylene glycol, diethylene glycol, and triethylene glycol, $R-(OCH_2CH_2)_n-OR'$
where:
n = 1, 2 or 3
R = alkyl C7 or less
or R = phenyl or alkyl substituted phenyl
R′ = H or alkyl C7 or less, or OR′ consists of carboxylic acid ester, sulfate, phosphate, nitrate or sulfonate.

[9] Emissions of GHG on a carbon dioxide equivalent basis shall be determined according to s. NR 405.07 (9) (b).

[10] Federal greenhouse gases listed under 40 CFR Part 70.

* Indicates contaminants for which multiple CAS numbers may apply. For contaminants listed as a metal and its compounds, the given CAS number refers to the metal.

History: Cr. Register, December, 1984, No. 348, eff. 1−1−85; r. and recr. Register, December, 1993, No. 456, eff. 1−1−94; am. (4) (b), (c) 1., Register, February, 1995, No. 470, eff. 3−1−95; r. and recr. (4) (h) 5., Register, April, 1995, No. 472, eff. 5−1−95; am. (4) (c) 1., Register, December, 1995, No. 480, eff. 1−1−96; am. (2), (4) (h) 2. c., 3. c. and 4., cr. (9) and (10), Register, December, 1997, No. 504, eff. 1−1−98**;** am. (4) (c) 9. a. and Table 2, Register, October, 1999, No. 526, eff. 11−1−99; CR 02−097, am. (4) (c) 1., 9. a. and b. and 10., and Table 2, cr. Table 3, Register June 2004, No. 582, eff. 7−1−04; CR 04−107: am. (7) Register August 2005 No. 596, eff. 9−1−05; CR 09−020: am. (1), (2), (4) (e), (h) 5., (i) 4. and Table 2 Register January 2010 No. 649, eff. 2−1−10; **EmR1046: emerg. am. Table 3, eff. 12−15−10; CR 10−144: am. Table 3 Register August 2011 No. 668, eff. 9−1−11.**

NR 407.06 Complete applications. (1) An application for an operation permit shall be initially deemed complete only if it contains all of the information described in s. NR 407.05 (4) and, for each form submitted, if all portions of that form which are specifically designated as necessary for a complete application are completed. The department may require an applicant to submit data necessary to complete any incomplete application.

(2) After an application for an operation permit has been initially deemed complete, the department may require additional information, including other information than that requested on the application forms, as needed to process the application. The department shall specify, in writing, a reasonable time period, of not less than 30 days, for the applicant to submit the requested information. The applicant may request and the department may grant a reasonable extension of the time period to submit the requested information. If the applicant does not supply the information requested by the date specified, the authorization for a stationary source to operate under s. 285.62 (8), Stats., shall no longer apply to the source.

(3) Unless the department determines in writing that an application for an operation permit is not complete within 20 days from the date that the application or additional information requested under sub. (2) is submitted, the application shall be deemed complete.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; am. (2), Register, December, 1997, No. 504, eff. 1−1−98.

NR 407.07 Action on applications. (1) The department shall follow the procedures in s. 285.62, Stats., in acting on applications for operation permits and for renewals of operation permits. The requirements in s. 285.62 (6) (a) to (c), Stats., do not apply with respect to non−part 70 sources.

(2) For applications for existing sources received by January 1, 1995, the department shall issue or deny the operation permit within 30 months after receiving a complete application.

(3) For applications for new or modified sources for which a construction permit is required under s. 285.60 (1) (a), Stats., and ch. NR 406, the department shall:

(a) Conduct the review, notification and publication, public comment and public hearing processes under s. 285.62 (3) to (5), Stats., for the operation permit simultaneously with the similar processes under s. 285.61 (3) to (7), Stats., for the construction permit.

(b) Issue or deny the operation permit within 180 days after the application is considered to be complete or after the applicant submits to the department the results of all equipment testing and emission monitoring required under the construction permit, whichever is later.

(c) 1. Except as provided in subd. 3., for part 70 sources, if, when comparing the permit conditions and emissions allowed under the construction permit to the permit conditions and emissions that would be allowed under the proposed operation permit prepared pursuant to s. 285.62 (6), Stats., there will be a change that would require treatment as a significant permit revision under s. NR 407.13, the department shall repeat the review, notification and publication, and public comment and public hearing processes under s. 285.62 (3), (4) and (5), Stats., with the new proposed conditions or higher levels of emissions prior to further processing of the permit.

2. For non−part 70 sources, if, when comparing the permit conditions and emissions allowed under the construction permit to the permit conditions and emissions that would be allowed under the operation permit, there will be a change that would require treatment as a significant permit revision under s. NR 407.13, the department shall repeat the review, notification and publication, public comment and public hearing processes under s. 285.62 (3), (4) and (5), Stats., with the new proposed conditions or higher levels of emissions prior to issuing the permit.

3. Notwithstanding subd. 1., for permits issued to part 70 sources prior to EPA approval of Wisconsin's operation permit program under section 502 (d) of the Act (42 USC 7661a (d)), if, when comparing the permit conditions and emissions allowed under the construction permit to the permit conditions and emissions that would be allowed under the operation permit, there will be a change that would require treatment as a significant permit revision under s. NR 407.13, the department shall repeat the review, notification and publication, public comment and public hearing processes under s. 285.62 (3), (4) and (5), Stats., with the new proposed conditions or higher levels of emissions prior to issuing the permit.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; CR 04−106: am. (3) (b) Register November 2005 No. 599, eff. 12−1−05; CR 09−020: am. (3) (c) 3. Register January 2010 No. 649, eff. 2−1−10.

NR 407.075 Greenhouse gases. Emissions of greenhouse gases at a stationary source shall only be subject to regulation under the Act if, on or after July 1, 2011, the source emits or has the potential to emit 100,000 tpy or more of GHG on a carbon dioxide equivalent basis. For purposes of this section, emissions of GHG on a carbon dioxide equivalent basis shall be determined according to s. NR 405.07 (9) (b).

History: EmR1046: emerg. cr., eff. 12−15−10; CR 10−144: cr. Register August 2011 No. 668, eff. 9−1−11.

NR 407.08 Dates by which permits are required. (1) EXISTING SOURCES. Except as provided in s. 285.62 (8), Stats., no stationary source which is required to obtain an operation permit under s. 285.60 (2) (a), Stats., and this chapter may operate after the date specified for that source in Table 1 of s. NR 407.04 without an operation permit issued by the department.

(2) NEW OR MODIFIED SOURCES. Except as provided in ss. 285.60 (1) (a) 2. and 285.62 (8), Stats., no new or modified source which is required to obtain an operation permit under s. 285.60 (1) (b), Stats., and this chapter may operate without an operation permit issued by the department.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; am. (2), Register, December, 1997, No. 504, eff. 1−1−98.

NR 407.09 Permit content. (1) STANDARD PERMIT REQUIREMENTS. Each permit issued under this chapter shall include, at a minimum, the following elements:

(a) Emission limitations and standards, including those operational requirements and limitations that are applied to assure compliance with all applicable requirements at the time of permit issuance, as follows:

1. The origin of and authority for each limitation, standard or requirement shall be specified and referenced and any difference in form as compared to the applicable requirement upon which the limitation, standard or requirement is based shall be identified.

2. Where an applicable requirement of the Act is more stringent than an applicable requirement of the acid rain program, both provisions shall be incorporated into the permit and shall be enforceable by the department and by EPA.

(b) The duration of the permit as follows:

1. The term of an operation permit may not exceed 5 years.

2. The term of an operation permit issued to an affected source shall be fixed at 5 years.

(c) Monitoring, related recordkeeping and reporting requirements, as follows:

1. All applicable monitoring requirements, including:

a. All emissions monitoring, analysis procedures and test methods required under the applicable requirements.

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, periodic monitoring or testing sufficient to yield reliable data from the relevant time period that are representative of the stationary source's compliance with the permit. Monitoring or testing requirements shall assure use of terms, test methods, units, averaging periods and other statistical conventions consistent with the applicable requirement. Monitoring may consist of recordkeeping sufficient to meet the requirements of this subd. 1. b. Permits for non−part 70 sources shall contain the requirements in this subd. 1. b. only for those air contaminants emitted from an emissions unit, operation or activity where the actual emissions exceed the levels in Table 2, or Table 3 for calendar years 2004 and later, in s. NR 407.05. Actual emissions used for this determination shall be those reported under ch. NR 438 for the most recent year prior to when the permit or renewal is issued.

c. As necessary, requirements concerning the use, maintenance, calibration and, where appropriate, installation of monitoring equipment or methods.

2. All applicable recordkeeping requirements in s. NR 439.04.

3. Reporting requirements consistent with all applicable requirements and including the following:

a. Submittal of reports required under s. NR 439.03 (1) (b).

b. Prompt reporting of deviations from and violations of permit terms and conditions in accordance with s. NR 439.03 (4), (5) and (6).

(d) A severability clause that states that, in the event of a successful challenge to any portion of the permit, all other portions of the permit remain valid and effective.

(e) A provision requiring the payment of fees required under ch. NR 410.

(f) Provisions stating the following:

1. The permittee has the duty to comply with all conditions of the permit. Any noncompliance with the operation permit constitutes a violation of the statutes and is grounds for enforcement action; for permit suspension, revocation or revision; or for denial of a permit renewal application.

2. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the permit.

3. The permit may be revised, revoked or suspended for cause under this chapter. The filing of a request by the permittee for a permit revision or for revocation, or the filing of notification of planned changes under s. NR 407.025 or of anticipated noncompliance, does not stay any permit condition.

4. The permit does not convey any property rights of any sort, or any exclusive privilege.

5. The permittee shall furnish to the department, within a reasonable time specified by the department, any information that the department may request in writing to determine whether cause exists to revise, revoke or suspend the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept pursuant to the permit.

(2) SPECIAL PERMIT REQUIREMENTS. Each permit issued under this chapter shall include the following elements if they are applicable to a stationary source:

(a) For affected sources, conditions prohibiting emissions exceeding any allowances that the source lawfully holds under the acid rain program, including allowances allocated directly to the source through the acid rain program, and allowances obtained through the emissions trading provisions of the acid rain program, subject to the following qualifications:

1. No permit revision may be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that the increases do not require a permit revision under any other applicable requirement.

2. No limit may be placed on the number of allowances that may be held by the stationary source.

3. A stationary source may not use allowances as a defense to noncompliance with any applicable requirement other than the requirements of the acid rain program.

4. Any acid rain allowance shall be accounted for according to the procedures established in the acid rain program.

(b) For those stationary sources which identify reasonably anticipated alternate operating scenarios in their applications, terms and conditions covering reasonably anticipated alternate operating scenarios that are approved by the department. The terms and conditions shall require all of the following:

1. The permittee, contemporaneously with making a change from one operating scenario to another, shall record in a log at the permitted facility a record of the scenario under which it is operating.

2. The source shall comply with all applicable requirements for each alternate operating scenario.

(c) For sources for which an internal offset has been approved by the department under s. NR 425.05, terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements and internal offset approval allow for such trading without a case−by−case approval of each emissions trade.

(d) For stationary sources that have previously been issued an air pollution control permit, provisions consistent with any condition in that permit if the provisions are still applicable to that stationary source. Conditions which may be considered still applicable include, but are not limited to, the following:

1. Any best available control technology or lowest achievable emission rate limitations established under ch. NR 405, 408 or 445 or pursuant to parts C or D of title I of the Act (42 USC 7470 to 7492 or 7501 to 7515).

2. Any conditions that a permittee requested in order to avoid being considered a major source or major modification under ch. NR 405 or 408 or to avoid any other requirement that would otherwise be applicable to the source.

3. Any source−specific emission limits contained in a permit under any applicable requirement.

(3) FEDERALLY ENFORCEABLE REQUIREMENTS. (a) Except as provided in par. (b), all terms and conditions in an operation permit for a part 70 source, including any provisions designed to limit a stationary source's potential to emit, are enforceable by the administrator under section 113 (a) of the Act (42 USC 7413 (a)) and citizens under section 304 of the Act (42 USC 7604).

(b) Notwithstanding par. (a), the department shall specifically designate as not federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act, under any of the Act's applicable requirements or under the state implementation plan.

(4) COMPLIANCE REQUIREMENTS. (a) All operation permits shall contain the following provisions with respect to compliance:

1. Compliance testing, monitoring, reporting and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document required under an operation permit and submitted to the department, including reports, shall contain a certification by a responsible official that meets the requirements of s. NR 407.05 (4) (j).

2. Inspection and entry requirements in accordance with ss. 285.13 (6) and 285.19, Stats., and s. NR 439.05.

3. Requirements for certifying compliance with terms and conditions contained in the permit, including emission limitations, standards and work practices. Permits shall include each of the following:

a. The required frequency of submission of compliance certifications, which shall be not less than annually or more frequently if specified in the applicable requirement or by the department.

b. Means for assessing or monitoring the compliance of the source with its emissions limitations, standards and work practices, except that for non−part 70 sources, the means need only be included to the extent needed to comply with sub. (1) (c).

c. A requirement that the compliance certification include the information listed in s. NR 439.03 (8).

d. A requirement that all compliance certifications for part 70 sources be submitted to the administrator as well as to the department.

e. Additional provisions as may be required pursuant to sections 114 (a) (3) and 504 (b) of the Act (42 USC 7414 (a) (3) and 7661c (b)).

(b) All operation permits for stationary sources which are not proposed to be in compliance with all applicable requirements at the time of permit issuance shall contain a compliance schedule as described in s. 285.64 (1) (a) 1., Stats., and a schedule for submission of progress reports, consistent with the applicable compliance schedule. The progress reports shall be submitted at least semiannually, or more frequently if specified in the applicable requirement or by the department. Progress reports shall contain the following:

1. The dates specified in the permit for achieving the activities, milestones or compliance required in the compliance schedule, and the dates when the activities, milestones or compliance were achieved.

2. An explanation of why any dates in the compliance schedule were not or will not be met, and any preventive or corrective measures adopted.

(5) PERMIT SHIELD. (a) An operation permit shall include a provision pursuant to and consistent with s. 285.62 (10) (b), Stats.

(b) Neither s. 285.62 (10) (b), Stats., nor any condition in a permit may alter or affect the following:

1. The authority of the administrator under section 303 of the Act (42 USC 7603).

2. The liability of an owner or operator of a stationary source for any violation of applicable requirements prior to or at the time of permit issuance.

3. The applicable requirements of the acid rain program.

4. The ability of EPA to obtain information from a source pursuant to section 114 of the Act (42 USC 7414).

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; correction in (4) (a) 3. c. made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1995, No. 472**;** am. (4) (a) 3. c., Register, December, 1995, No. 480, eff. 1−1−96; am. (2) (b), Register, December, 1996, No. 492, eff. 1−1−97; am. (1) (f) 1., (4) (a) 1. and (b) (intro.), Regis-

ter, December, 1997, No. 504, eff. 1−1−98; CR 02−097: am. (1) (c) 1. b., Register June 2004 No. 582, eff. 7−1−04; CR 09−020: am. (1) (a) 2., (2) (d) 1., (3), (4) (a) 3. e., (5) (b) 1. and 4. Register January 2010 No. 649, eff. 2−1−10.

NR 407.10 General operation permits. (1) ISSUANCE OF GENERAL OPERATION PERMITS. (a) The department may issue general permits for the operation of stationary sources in accordance with s. 285.60 (3), Stats.

Note: No construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification of a stationary source if the source is covered under a general operation permit and the project meets the criteria in s. NR 407.10 (4) (a).

(b) A general operation permit may be issued for a source category if the sources in the category meet all of the following criteria:

1. Perform the same or similar operations.

2. Emit the same class of air contaminants.

Note: An example of "the same class of air contaminants" is volatile organic compounds.

3. Employ the same or similar capture and control systems, if applicable.

4. Are subject to the same or similar emission limitations and other state and federal requirements that are applicable to the sources in the category.

Note: An example of "similar emission limitations" is emission limitations for the same air contaminant but that differ based on the size of the source, its location, or its date of construction.

(c) When proposing to issue a general operation permit, the department shall prepare an air quality analysis and a preliminary determination on the approvability of the proposed general operation permit. The department shall use the applicable procedures in s. 285.62, Stats., to issue the general operation permit. The department may issue the general operation permit if the applicable criteria in ss. 285.63 and 285.64, Stats., are met. The procedural requirements in s. 285.62 (2) to (5), Stats., do not apply to the determination of whether an individual source is covered by a general operation permit for a source category. Coverage of a part 70 source under a general operation permit is not an appealable decision under s. 227.42, 227.52, 227.53 or 285.81, Stats.

Note: The statutes cited above require that when issuing a general operation permit, the department distribute a notice of the availability of the proposed general operation permit and of the department's analysis and preliminary determination, a notice of the opportunity for public comment and a notice of the opportunity to request a public hearing. There will be a 30−day public comment period and the department may hold a public hearing within 60 days after the deadline for requesting one.

(d) The general operation permit shall contain applicability criteria, emission limits, monitoring and recordkeeping requirements, reporting requirements, compliance demonstration methods and general conditions applicable to the stationary source category. The permit terms and conditions shall be those required to comply with the Act and those required to assure compliance with applicable provisions in ch. 285, Stats., and chs. NR 400 to 499. Notwithstanding the requirement in s. NR 424.03 (2) (c) to determine the latest available control techniques and operating practices demonstrating best current technology (LACT) for a specific process line, the department may include conditions in the general operation permit that represent LACT, if the requirements of s. NR 424.03 (2) (a) or (b) are determined to be technologically infeasible.

Note: If an area is designated nonattainment for particulate matter, PM10, sulfur dioxide, nitrogen oxides, carbon monoxide or lead, the department may revise the general operation permit, or issue a different one, to include nonattainment area specific applicability criteria.

(e) The term of a general operation permit issued to a part 70 source category, or granted to an individual part 70 source, may not exceed 5 years. General operation permits issued to a non−part 70 source category, or granted to an individual non−part 70 source, shall only expire if an expiration date is requested by the source owner or operator or the department finds that expiring coverage would significantly improve the likelihood of continuing compliance with applicable requirements, compared to coverage that does not expire.

(2) SOURCES INELIGIBLE FOR COVERAGE UNDER A GENERAL OPERATION PERMIT. Notwithstanding the existence of a general operation permit for a stationary source category, an individual stationary source may not be covered by a general operation permit if any of the following criteria apply:

(a) The emissions unit or units are an affected source under ch. NR 409, a municipal solid waste combustion source under s. NR 500.03 (86), or an infectious waste combustion source.

(b) The emissions unit or units cause or exacerbate, or may cause or exacerbate, a violation of any ambient air quality standard or ambient air increment, as determined by the department through an air quality assessment conducted in accordance with s. NR 407.15 (8).

(3) PROCEDURE FOR DETERMINING COVERAGE UNDER A GENERAL OPERATION PERMIT FOR AN INDIVIDUAL SOURCE. (a) An owner or operator of a stationary source who applies for coverage under a general operation permit shall submit an application using department approved general permit application forms.

Note: Contact the regional offices or service centers of the department or the Permits and Stationary Source Modeling Section of the Bureau of Air Management, 608−266−7718, for information on how to obtain the department approved general permit application forms.

(b) An owner or operator of a stationary source who requests or requires emission limits, terms or conditions other than, or in addition to, those contained in the general operation permit shall apply for a different type of permit.

(c) Within 15 days after the receipt of an application for coverage under a general operation permit, the department shall provide one of the following to an applicant:

1. Written notice of the department's determination that the source is covered under the general operation permit.

2. A written description of any information that is missing from the application for coverage under the general operation permit.

3. Written notice of the department's determination that the source does not qualify for coverage under the general operation permit, specifically describing the reasons for that determination.

(d) The department shall grant coverage under the general operation permit if the owner or operator of the source applies for coverage and meets the eligibility requirements of the general operation permit, unless the source is ineligible for coverage under sub. (2).

(4) CONSTRUCTION AND MODIFICATION UNDER A GENERAL OPERATION PERMIT. (a) Notwithstanding the provisions in s. NR 406.04 (1) and (2), no construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification of a stationary source if the source is covered under a general operation permit and all of the following criteria are met:

1. The construction, reconstruction, replacement, relocation or modification will not result in the source violating any term or condition of the general operation permit.

2. The construction, reconstruction, replacement, relocation or modification does not require a permit under ch. NR 405 or 408.

Note: Some general operation permits issued prior to September 1, 2005 may have required a construction permit, even if the change at the source would not violate any term or condition of the permit. Those sources are now exempt from the requirement to obtain a construction permit if the change at the source will not violate any term or condition of the general operation permit.

(b) No later than 30 calendar days from commencing construction, reconstruction, replacement, relocation or modification, the owner or operator shall notify the department of the action and provide information explaining how the source is meeting the criteria for an exemption under par. (a).

(c) If a construction permit is required, the owner or operator shall obtain a construction permit under ch. NR 405, 406 or 408, as applicable. The owner or operator may not commence construction, reconstruction, replacement, relocation or modification prior to receiving the construction permit. The owner or operator

shall also apply for an individual operation permit, a revision of its operation permit or a registration operation permit under this chapter.

Note: The construction permit may be an individual, general or registration construction permit.

(5) APPLICATION FOR A DIFFERENT PERMIT. (a) An owner or operator of a stationary source that is covered under a general operation permit may submit a request to the department to withdraw the source from coverage under the general operation permit and allow the source to be covered under a registration operation permit or a general operation permit for another source category or be issued an individual operation permit. The owner or operator shall submit a written request for the withdrawal of the general operation permit and a complete application for a different operation permit.

(b) An owner or operator of a stationary source that has an individual operation permit may submit a request to the department to revise or revoke the individual operation permit pursuant to s. NR 407.12, 407.13 or 407.15 (4) and allow the source to be covered under a general operation permit. The owner or operator shall submit to the department a written request for revision or revocation of the individual operation permit and a complete application for a general operation permit under this section.

(c) An owner or operator of a stationary source that is covered under a registration operation permit may submit a request to the department to withdraw the source from coverage under the registration operation permit and allow the source to be covered under a general operation permit. The owner or operator shall submit to the department a written request for withdrawal of the registration operation permit and a complete application for a general operation permit under this section.

(d) The owner or operator shall submit a request for revision or revocation of an operation permit or withdrawal from coverage under an operation permit on department approved forms.

Note: Contact the regional offices or service centers of the department or the Permits and Stationary Source Modeling Section of the Bureau of Air Management, 608−266−7718, for information on how to obtain and submit the department approved forms.

(e) The owner or operator of a facility submitting an application for a different permit under this subsection shall comply with the existing permit until the department has issued or granted coverage under the different permit.

(6) ADDITIONAL PROVISIONS RELATED TO GENERAL OPERATION PERMITS. Notwithstanding the permit shield provision in section 504(f) of the Act (42 USC 7661c(f)) and in s. 285.62 (10) (b), Stats., an owner or operator of a source which is covered under a general operation permit may be prosecuted for operation without an individual operation permit if the source is later determined not to qualify for the conditions and terms of the general operation permit.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; am. (2) (intro.), r. (2) (e), Register, December, 1996, No. 492, eff. 1−1−97; cr. (9), Register, December, 1997, No. 504, eff. 1−1−98; am. (6) (intro.) and cr. (6) (a) (intro.), Register, October, 1999, No. 526, eff. 11−1−99; CR 04−107: r. and recr. Register August 2005 No. 596, eff. 9−1−05; CR 07−040: am. (4) (a) 2., cr. (4) (a) 2. (note) Register April 2008 No. 628, eff. 5−1−08.

NR 407.105 Registration operation permits. **(1)** ISSUANCE OF REGISTRATION OPERATION PERMITS. (a) The department may issue a registration permit for the operation of an entire facility that has or will have low actual or potential emissions in accordance with s. 285.60 (2g), Stats.

Note: No construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification of a stationary source if the source is covered under a registration operation permit and the project meets the criteria in s. NR 407.105 (5) (a).

(b) When proposing to issue a registration operation permit, the department shall prepare an air quality analysis and a preliminary determination on the approvability of the proposed registration operation permit. The department shall use the applicable procedures of s. 285.62, Stats., to issue the registration operation permit. The department may issue the registration operation permit if the applicable criteria in ss. 285.63 and 285.64, Stats., are met. The procedural requirements of s. 285.62 (2) to (7), Stats., do not apply to the determination of whether an individual facility is covered by a registration operation permit.

Note: The statutes cited above require that when issuing the registration operation permit, the department distribute a notice of the availability of the proposed operation permit and of the department's analysis and preliminary determination, a notice of the opportunity for public comment and a notice of the opportunity to request a public hearing. There will be a 30−day public comment period and the department may hold a public hearing within 60 days after the deadline for requesting one.

(c) The registration operation permit shall contain applicability criteria, emission caps and limitations, monitoring and recordkeeping requirements, reporting requirements, compliance demonstration methods and general conditions appropriate for determining compliance with the terms and conditions of the registration operation permit. The permit terms and conditions shall be those required to comply with the Act and those required to assure compliance with applicable provisions in ch. 285, Stats., and chs. NR 400 to 499. Notwithstanding the requirements in s. NR 424.03 (2) (c) to determine the latest available control techniques and operating practices demonstrating best current technology (LACT) for a specific process line, the department may include conditions in the registration operation permit that represent LACT, if the requirements of s. NR 424.03 (2) (a) or (b) are determined to be technologically infeasible.

Note: If an area is designated nonattainment for particulate matter, PM10, sulfur dioxide, nitrogen oxides, carbon monoxide or lead, the department may revise the registration operation permit, or issue a different one, to include nonattainment area specific applicability criteria.

(2) CRITERIA FOR ISSUANCE OF A REGISTRATION OPERATION PERMIT. (a) A registration operation permit shall be issued for facilities that meet all of the criteria:

1. The calendar year sum of actual emissions of each air contaminant from the facility may not exceed 25% of any major source threshold in s. NR 407.02 (4), except that for lead, emissions may not exceed 0.5 tons per calendar year.

2. The stack−vented emissions are exhausted from unobstructed discharge points that are within 10 degrees of vertical. This criterion does not apply to stacks serving any of the emission units listed in s. NR 407.05 (4) (c) 9. For the purposes of this paragraph, horizontal discharge vents that only discharge general building ventilation are not considered stacks.

Note: Valves designed to open and close at the point of discharge are considered to be unobstructed if they are open at the time of emission.

3. The stack is taller than any building that influences the dispersion of emissions from the stack. A building is considered to influence the dispersion of emissions from any stack that exists within a circle around the building, the radius of which is 5 times the height of the building. This criterion does not apply to stacks serving any of the emission units listed in s. NR 407.05 (4) (c) 9. For the purposes of this paragraph, horizontal discharge vents that only discharge general building ventilation are not considered stacks.

4. An owner or operator of a facility whose stacks do not meet the criteria in subds. 2. and 3. may demonstrate through air dispersion modeling that the facility's emissions do not and will not cause or exacerbate a violation of any ambient air quality standard or ambient air increment. If an air dispersion model is not available for one or more pollutants, the demonstration for that pollutant shall rely on the department's air quality analysis conducted under sub. (1) (b).

(b) Notwithstanding par. (a), the department may issue registration operation permits for coverage of other types of facilities that the department determines have or will have low actual or potential emissions, in response to a petition submitted under s. NR 407.107.

(3) SOURCES INELIGIBLE FOR COVERAGE UNDER A REGISTRATION OPERATION PERMIT. Notwithstanding the existence of a registration operation permit, an individual facility may not be covered under

a registration operation permit if any of the following criteria apply:

(a) The facility is an affected source under ch. NR 409, a municipal solid waste combustion source under s. NR 500.03 (86) or an infectious waste combustion source.

(b) One or more emissions units at the facility would be subject to a standard or regulation under section 111 of the Act (42 USC 7411) or under section 112 of the Act (42 USC 7412), other than those contained in the registration operation permit or determined by the department to not preclude eligibility for the registration operation permit.

(c) The facility's emissions cause or exacerbate, or may cause or exacerbate, a violation of any ambient air quality standard or ambient air increment, as determined by the department through an air quality assessment conducted in accordance with s. NR 407.15 (8).

(4) PROCEDURE FOR DETERMINING COVERAGE UNDER A REGISTRATION OPERATION PERMIT FOR AN INDIVIDUAL FACILITY. (a) An owner or operator of a facility who applies for coverage under a registration operation permit shall submit an application using department approved forms.

Note: Contact the regional offices or service centers of the department or the Permits and Stationary Source Modeling Section of the Bureau of Air Management, 608−266−7718, for information on how to obtain and submit the department approved registration permit application forms.

(b) An owner or operator of a facility who requests or requires emission limits, terms or conditions that require case−by−case review and approval by the department, or emission limits, terms or conditions other than, or in addition to, those contained in the registration operation permit, shall apply for a different type of permit.

(c) Within 15 days after the receipt of an application for coverage, the department shall provide one of the following to an applicant for a registration operation permit:

1. Written notice of the department's determination that the facility is covered under a registration operation permit.

2. A written description of any information that is missing from the application for coverage under a registration operation permit.

3. Written notice of the department's determination that the facility does not qualify for coverage under a registration operation permit, specifically describing the reasons for that determination.

(d) The department shall grant coverage under the registration operation permit if the owner or operator of the facility applies for coverage and meets the eligibility requirements in the registration operation permit, unless the facility is ineligible for coverage under sub. (3).

(e) For the purpose of determining whether a source is eligible for coverage under a registration operation permit, the source's emissions shall be calculated using the terms and conditions listed in the registration operation permit.

Note: The permit terms and conditions may include capture and control efficiencies. The Air Emissions Management System (AEMS) requires the owner or operator of a source to calculate actual annual emissions for reporting to the inventory using the terms and conditions in a permit.

(f) The owner or operator of a facility that has an individual operation permit or is covered under a general operation permit may submit an application for coverage under a registration operation permit on or after July 1, 2006. The owner or operator shall submit a request for revision or revocation of the existing operation permit pursuant to sub. (6) prior to submitting the application for coverage under the registration operation permit. The revision or revocation request may be submitted before July 1, 2006.

(5) CONSTRUCTION OR MODIFICATION UNDER A REGISTRATION OPERATION PERMIT. (a) No construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification of a stationary source if the facility is covered under a registration operation permit and the construction, reconstruction, replacement, relocation or modification will not result in the facility violating any term or condition of the registration operation permit.

(b) If a construction permit is required, the owner or operator shall obtain a construction permit under ch. NR 405, 406 or 408, as applicable. The owner or operator may not commence construction prior to receiving the construction permit. The owner or operator shall also apply for an individual operation permit, a revision of its individual operation permit or a general operation permit under this chapter.

Note: The construction permit may be an individual, general or registration construction permit.

(6) APPLICATION FOR A DIFFERENT PERMIT. (a) An owner or operator of a facility that is covered under a registration operation permit may submit a request to the department to withdraw the source from coverage under the registration operation permit and allow the facility to be covered under a general operation permit or be issued an individual operation permit. The owner or operator shall submit a written request for the withdrawal of the registration operation permit and a complete application for an individual or general operation permit under s. NR 407.05 or 407.10.

(b) An owner or operator of a facility that has an individual operation permit may submit a request to the department to revoke the individual operation permit pursuant to s. NR 407.15 and allow the facility be covered under a registration operation permit. The owner or operator shall submit to the department a written request for revocation of the operation permit and a complete application for a registration operation permit under this section.

(c) An owner or operator of a facility that is covered under a general operation permit may submit a request to the department to withdraw coverage under the general operation permit and allow the facility to be covered under a registration operation permit. The owner or operator shall submit to the department a written request for withdrawal of the operation permit and a complete application for a registration operation permit under this section.

(d) The owner or operator shall submit a request for revocation or withdrawal of an operation permit under this subsection on department approved forms.

Note: Contact the regional offices or service centers of the department or the Permits and Stationary Source Modeling Section of the Bureau of Air Management, 608−266−7718, for information on how to obtain and submit the department approved forms.

(e) The owner or operator of a facility submitting an application for a different permit under this subsection shall comply with the existing permit until the department has issued or granted coverage under the different permit.

(7) ADDITIONAL PROVISIONS RELATED TO REGISTRATION OPERATION PERMITS. (a) An owner or operator of a facility operating in compliance with a registration operation permit shall be deemed to be in compliance with the applicable requirements in chs. NR 400 to 499 if the owner or operator conducts a reasonable search and evaluation to identify applicable requirements and to determine whether the facility is meeting the applicable requirements, is operating in compliance with these applicable requirements and complies with par. (b). A reasonable search and evaluation includes a search and evaluation of chs. NR 400 to 499, and shall include a reasonable effort to review other readily accessible information relevant to the facility's operations, such as data bases, workshops and materials available through trade associations, vendors, the department, the department of commerce small business clean air assistance program, the U.S. environmental protection agency and other recognized sources of information on air regulations. The owner or operator shall document, in writing, the results of the search and evaluation and shall keep the documents at the facility for inspection upon request for as long as the facility is covered under the registration operation permit.

(b) The owner or operator will not be deemed to be out of compliance with the applicable requirements in chs. NR 400 to 499 if

an applicable requirement that was previously not identified through the search and evaluation described in par. (a) is later identified, if the owner or operator does all of the following:

1. Submits written notification to the department within 21 days of identifying the applicable requirement.

2. Certifies that the facility is in compliance with the applicable requirement no later than 90 days after notifying the department. If requested, the department may extend the deadline for achieving compliance.

3. Submits documentation to demonstrate that the search and evaluation that was conducted prior to identifying the applicable requirement was reasonable.

(c) Notwithstanding par. (b), the department retains the authority to order the owner or operator to achieve compliance with the applicable requirements within a specific time period shorter than the 90 calendar days whenever compliance in the shorter period of time is feasible and necessary to protect public health and the environment.

Note: Contact the Compliance and Enforcement Section of the Bureau of Air Management, 608−266−7718, for information on submitting the notification.

History: CR 04−107: cr. Register August 2005 No. 596, eff. 9−1−05.

NR 407.107 Petitions for issuance of general operation permits and registration operation permits. (1) A person may petition the department to make a determination that a category of stationary source meets the criteria for a general operation permit under s. 285.60 (3), Stats., and s. NR 407.10 (1). A person may petition the department to make a determination that a stationary source meets the criteria for a registration operation permit under s. 285.60 (2g), Stats., and s. NR 407.105 (1) and (2) (b). The department may consider the number of sources that would be eligible for the permit, the complexity of air regulations applicable to the sources, the likelihood that sources would need source−specific emission limitations and other factors in determining its priority for developing a general or registration operation permit. Within 30 days after receipt of the petition, the department shall provide a written response to the petitioner granting or denying the petition. If the department grants the petition, the department shall issue the general operation permit or the registration operation permit as soon as practicable, but no later than 365 days after receipt of the petition.

(2) The person shall submit the petition using department approved petition forms.

Note: Contact the regional offices or service centers of the department or the Permits and Stationary Source Modeling Section of the Bureau of Air Management, 608−266−7718, for information on how to obtain and submit the department approved forms.

History: CR 04−107: cr. Register August 2005 No. 596, eff. 9−1−05.

NR 407.11 Administrative permit revisions. (1) ELIGIBILITY. Upon request of a permittee, the department may revise an operation permit administratively using the procedures in this section if the revision requested is one of the following:

(a) Correction of a typographical error.

(b) A change in the name, address or telephone number of any person identified in the permit, or a similar administrative change at the stationary source, unrelated to emissions.

(c) More frequent monitoring, recordkeeping or reporting by the permittee.

(d) A change in ownership or operational control of a stationary source if the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee has been submitted to the department.

(e) Revision of an operation permit to include the requirements from a construction permit issued under ch. NR 405, 406 or 408, provided the procedural requirements of s. 285.62 (1) to (7), Stats., are met during the issuance of the construction permit.

(2) ACID RAIN. Administrative permit revisions to the acid rain provisions of the permit shall be governed by s. NR 409.12.

(3) PROCEDURES. The department shall use the following procedures in processing administrative permit revisions:

(a) Any person holding an operation permit who seeks an administrative permit revision shall file a written request with the department. The request shall identify the permit to be administratively revised, outline the specific item for which a revision is sought, and set forth the reasons why a permit revision is sought. The request shall be signed by a responsible official and shall be provided to the bureau of air management, either by personal delivery to the office, located at 101 South Webster Street, Madison, Wisconsin, or by mailing to the following address: PO Box 7921, Madison WI 53707.

(b) The department shall act on a request for an administrative permit revision within 60 days of receipt of a complete request under this section. The department may administratively revise the operation permit, without providing notice or opportunity for comment or hearing to the public, affected states or EPA, provided that the department determines the revision is one allowed under this section.

(c) Except as provided in s. NR 407.16, the department shall submit a copy of the revised operation permit to the administrator.

(4) SCHEDULE. The permittee may implement the change addressed in the request for an administrative permit revision immediately upon submittal of the request. If the department determines that the proposed change may not be made pursuant to an administrative permit revision, and the permittee has already made the change at the facility, the permittee shall be liable for violation of the permit condition it is requesting to be revised.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; am. (2), Register, April, 1995, No. 472, eff. 5−1−95; CR 04−106: cr. (1) (e) Register November 2005 No. 599, eff. 12−1−05.

NR 407.12 Minor revisions. (1) ELIGIBILITY. Any person holding an operation permit may submit a request to the department to revise the operation permit, to reflect a proposed change at the facility, using the minor permit revision procedures described in this section, provided the proposed change meets all of the following criteria:

(a) Does not violate any applicable requirement.

(b) Does not involve significant changes to existing monitoring, reporting or recordkeeping requirements in the permit.

Note: An insignificant change in monitoring would be a switch from one validated reference test method for a pollutant and source category to another, where the permit does not already provide for an alternative test method.

(c) Does not require or change a source−specific determination of an emission limitation or other standard, a source−specific limitation based on ambient air impacts or a visibility or ambient air increment analysis.

(d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has accepted in its permit in order to avoid an applicable requirement to which it would otherwise be subject. This type of term or condition includes, but is not limited to:

1. An emissions cap accepted by the source to avoid a previous change being classified as a modification under s. 285.01 (26), Stats., and rules promulgated thereunder.

2. An alternative emission limit approved pursuant to regulations promulgated under section 112 (i) (5) of the Act (42 USC 7412 (i) (5)).

(e) The proposed change has been approved in a construction permit issued under ch. NR 406 or the proposed change is exempt from department review under chs. NR 405, 406 and 408.

(2) ACID RAIN. No minor permit revision may be requested or made to any acid rain provision of a permit.

(3) PERMITTEE'S REQUEST. A request for a minor permit revision shall be submitted using forms provided by the department and shall include the following:

(a) A description of the change, the effect on emissions resulting from the change, and any additional applicable requirements that will apply if the change occurs.

(b) The permittee's suggested draft permit containing all applicable permit content elements under s. NR 407.09.

(c) Certification by a responsible official in accordance with s. NR 407.05 (4) (j) that the proposed revision meets the criteria in sub. (1).

(d) Completed forms for the department to use to notify EPA and the affected states of the proposed minor permit revision.

(4) SCHEDULE AND PROCEDURES. (a) Except as provided in s. NR 407.16, within 5 working days of receipt of a complete request for a minor permit revision, the department shall notify EPA, affected states, and those listed in s. 285.62 (3) (b) 2. to 5., Stats., of the request for minor permit revision. The department shall then accept comments on the proposed revision for 30 days, commencing on the date that notice is given. If an affected state has submitted comments in response to the notice and the department has not accepted those comments, the department shall notify that state and EPA in writing of its decision not to accept the comments and the reasons for that decision.

(b) The department may not act on a request for a minor permit revision until 45 days after providing notice of the requested revision to EPA or until EPA has notified the department that EPA will not object to issuance of the minor permit revision, whichever is first. Within 90 days of the department's receipt of a complete request for a minor permit revision or 15 days after the end of EPA's 45−day review period, whichever is later, the department shall do one of the following:

1. Issue the minor permit revision as proposed.

2. Deny the minor permit revision.

3. If the department determines that the revision may not be issued as proposed but could be issued if it were amended, amend the draft permit revision, transmit the amended revision to EPA, affected states, and those listed in s. 285.62 (3) (b) 2. to 5., Stats., and process the amended proposed minor permit revision under this subsection.

(c) The permittee may make the change proposed in its request for a minor permit revision immediately after it files the request. After the permittee makes the change, and until the department takes any of the actions specified in par. (b), the permittee shall comply with both the applicable requirements governing the change and the permittee's suggested draft new permit terms and conditions. During this time period, the permittee need not comply with the permit terms and conditions it is seeking to revise. However, if the permittee fails to comply with its suggested draft new permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it. If the department determines that the proposed change may not be made pursuant to a minor permit revision, and the permittee has already made the change at the facility, the permittee shall be liable for any violations of the permit conditions it is requesting to be revised.

(5) PERMIT SHIELD. The permit shield under s. 285.62 (10) (b), Stats., may not be extended to minor permit revisions.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; **a**m. (4) (b), Register, December, 1996, No. 492, eff. 1−1−97; CR 04−106: am. (1) (intro.), cr. (e) Register November 2005 No. 599, eff. 12−1−05; CR 09−020: am. (1) (d) 2. Register January 2010 No. 649, eff. 2−1−10.

NR 407.13 Significant revisions. This section applies to operation permit revisions requested by the permittee that cannot be accomplished under s. NR 407.11 or 407.12. A permit revision to any acid rain provisions of the permit shall be governed by s. NR 409.12. Requests for significant permit revisions shall comply with s. 285.62, Stats., and s. NR 407.05. The department shall use the procedures in s. 285.62, Stats., and ss. NR 407.07 and 407.09 when processing requests for significant revisions. The department shall process the majority of significant revisions within 9 months after receipt of a complete application.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; am. Register, April, 1995, No. 472, eff. 5−1−95.

NR 407.14 Permit revision by the department. **(1)** MANDATORY REVISIONS. Except for a change in an applicable requirement that is due to an addition of, or revision to, a hazardous air contaminant standard or control requirement in subch. II of ch. NR 445, the department shall revise an operation permit for any of the following reasons:

(a) The permit needs to be revised to assure compliance with applicable requirements.

(b) There is a change in any applicable requirement, a new applicable requirement, or an additional applicable requirement, and there are 3 or more years remaining in the permit term.

(c) There is a change in any applicable emission limitation, ambient air quality standard or ambient air quality increment that requires either a temporary or permanent reduction or elimination of the permitted emission, and there are 3 or more years remaining in the permit term.

(d) The permit contains a material mistake or inaccurate or unclear statements.

(1m) DISCRETIONARY REVISIONS. The department may revise an operation permit for any of the reasons listed in sub. (1), regardless of the years remaining in the permit term, or for any of the following reasons:

(a) There is or has been a significant or recurring violation of any condition of the permit.

(b) The permittee has misrepresented or failed to disclose fully all relevant facts when obtaining an operation permit.

(c) There was a reconstruction, replacement or modification of the stationary source that did not require a construction permit under ch. NR 405, 406 or 408.

(d) The permit contains a typographical error.

(e) A change in the applicable requirement is due to an addition of, or revision to, a hazardous air contaminant standard or control requirement in subch. II of ch. NR 445.

(2) ACID RAIN. Revisions to the acid rain provisions of the permit shall be governed by s. NR 409.12.

(3) PROCEDURES. The department shall use the procedures in s. 285.62, Stats., and s. NR 407.09 when processing revisions under this section unless the change is one described in s. NR 407.11 (1), in which case the procedures in s. NR 407.11 (3) (b) and (c) may be used. The department shall provide a written notice of intent to revise the permit to the permittee at least 30 days prior to initiating a permit revision under this section.

(4) TIMETABLE FOR ISSUANCE. Revisions under this section shall be issued within 180 days of giving notice under sub. (3).

(a) If the revision is being made to include a new applicable requirement in a permit, the department shall issue the revision under this section no later than 18 months after promulgation of the new applicable requirement. In cases where the effective date of the applicable requirement is later than the date on which the permit is due to expire, revision under this section is not required.

(b) The department may not issue a permit revision under this section until after the 45 day period EPA has to review the proposed action under s. 285.62 (6) (b), Stats., or until EPA has notified the department that EPA will not object to issuance of the revised permit, whichever is first.

(c) If the revision is being made to a general or registration operation permit, the department shall determine whether each individual source that is covered under the general or registration

operation permit qualifies for coverage under the revised permit prior to issuing the revised permit.

Note: This section covers individual operation permits, general operation permits and registration operation permits.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; am. (2), Register, April, 1995, No. 472, eff. 5−1−95; am. (1) (intro.), renum. (1) (a), (b), (c), (d), (h), (f), (g) and (i) to be (1m) (a), (1) (a), (b), (c) and (d), (1m) (b), (c) and (d) and am. (1) (b) and (cr), cr. (1m) (intro.), Register, December, 1997, No. 504, eff. 1−1−98; CR 02−097: am. (1), cr. (1m) (e), Register June 2004 No. 582, eff. 7−1−04; CR 04−107: cr. (4) (c) Register August 2005 No. 596, eff. 9−1−05; CR 07−076: am. (1) (intro.) and (1m) (e) Register July 2008 No. 631, eff. 8−1−08.

NR 407.15 Permit suspension, revocation and withdrawal from coverage. After providing 21 days written notice to the permittee and to the persons listed in s. 285.62 (3) (b) 2. to 7., Stats., the department may suspend, revoke or withdraw a source from coverage under an operation permit, part of that permit or the conditions of that permit if there is or was any of the following:

(1) VIOLATION. A significant or recurring violation of any condition of the permit which causes or exacerbates a violation of any ambient air quality standard or ambient air increment or which causes air pollution.

(2) MISREPRESENTATION OR DELIBERATE FAILURE TO DISCLOSE. Any misrepresentation or deliberate failure to disclose fully all relevant, significant facts when obtaining the permit.

(3) DEPARTMENT DETERMINATION. A determination by the department that the permit must be revoked or coverage withdrawn to assure compliance with the applicable requirements.

(4) REQUEST. A request by the permittee to suspend or revoke the permit.

(5) FAILURE TO PAY FEES. An intentional failure by the permittee to pay in full the fees required under ch. NR 410, except the department may not suspend or revoke the permit for failure to pay fees while those fees are being disputed under s. NR 410.04 (6).

(6) FAILURE TO FILE ANNUAL EMISSION INVENTORY REPORTS. An intentional failure by the permittee to file annual air emission inventory reports required under s. NR 438.03.

(7) SOURCE SHUTDOWNS. A permanent shutdown of operations of a stationary source so that it no longer needs a permit.

(8) CAUSE OR EXACERBATE. (a) A determination by the department that the emissions unit or units covered under a general or registration operation permit cause or exacerbate, or may cause or exacerbate, a violation of any ambient air quality standard or ambient air increment. The determination shall be made through an air quality assessment using the following procedures, as appropriate, which may be conducted after the determination that the source was covered under the general or registration operation permit.

1. For general operation permits, the department shall use criteria, methodologies or modeling consistent with criteria, methodologies or modeling used for any air quality analysis conducted under s. NR 407.10 (1) (c).

2. For registration operation permits, the department shall use an air dispersion model using maximum actual emissions on an annual or hourly basis or criteria, methodologies or modeling consistent with criteria, methodologies or modeling used for any air quality analysis conducted under s. NR 407.105 (1) (b).

(b) Notwithstanding a determination made under par. (a), the owner or operator will be deemed to be in compliance with the requirement to obtain an operation permit until the department takes final action on a subsequent application for an operation permit, if the application is submitted to the department by the owner or operator within 30 days after the department notifies the owner or operator of its determination under this subsection and the owner or operator is in compliance with the otherwise applicable general or registration operation permit from the time the determination is made under par. (a) until the department takes final action under this subsection.

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94; am. (intro.), Register, December, 1996, No. 492, eff. 1−1−97; CR 04−107: am. (intro.) and (3), cr. (8) Register August 2005 No. 596, eff. 9−1−05.

NR 407.16 Revision procedures for non−part 70 source permits and state−only requirements for part 70 sources. Notwithstanding the requirements to give notice to affected states and EPA under ss. NR 407.11 (3) (c), 407.12 (4), 407.13, 407.14 (4) and 407.15 (1), an operation permit may be revised, suspended or revoked without giving notice to affected states or EPA if the operation permit is for a source that is a non−part 70 source, or if the condition being revised is a requirement identified as not being federally enforceable under s. NR 407.09 (3) (b).

History: Cr. Register, December, 1993, No. 456, eff. 1−1−94.